THE SECOND PART OF SYMBOLEOGRAPHY,

Newly corrected and amended,
and very much enlarged in all
the foure ſeuerall
Treatiſes.

1. Of Fines and Concordes.
2. Of Common Recoueries.
3. Of Offences and Indictments.
4. Of Compromiſes and Arbitrements.

Whereunto is annexed another Treatiſe of Equitie, the Iuriſdiction, and Proceedings of the high Court of Chauncerye: *Of Supplications, Bils, and Aunſweres, And of certaine Writs and Commiſſions* iſſuing thence, and there alſo retornable: Likewiſe much augmented with diuers preſidents, very neceſſary for the ſame purpoſe, beginning at the 144. Section, and continuing to the end of Bils and Aunſweres.

Hereunto is alſo added a Table for the more eaſy *and readie finding of the matters herein contayned:* the new additions hauing therein this marke ✲ ſet before them.

Ingenij cibus ſtudium, ſtudijq; diligentia.

AT LONDON
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Cum Priuilegio Regiæ Maieſtatis.

1

Viro Iurisprudentiæ & pietatis laude illu-
stristrissimo EDVVARDO COKE
Armigero, Serenissimæ Reginæ Maiestatis Procu-
ratori summo, WILL. WEST veram
exoptat fœlicitatem.

QVm ijs fere omnibus; qui lucubrationes suas de aliquo disciplinæ genere in publicum proferunt, in more positum esse videtur (vir illustrissime) vt in Epistolis suis nuncupatorijs duo potissimum sequantur: vnum vt illum ipsum, cuius patrocinio niti statuunt, dignis laudibus efferant; alterum, vt operas ipsas grato encomio afficiant: erunt fortasse nonnulli, qui idem a me faciendum arbitrabuntur; a quibus tamen ego longe diuersum sentio. Vtrumq; enim vt vellem maxime certe non possem: Nam ab hoc, ingenioli mei tenuitas: ab illo, pudor quidem ingenitus me remoratur. Et vero, si in laudes tuas excurrerem longius, vereor, vt & ipse hoc non patereris, Et ego, cum corporis, tum animi dotium, quas natura affatim in te quasi effudisse videtur, multitudine obrutus, neq; quid præ ceteris dicendum, neq; quomodo finis faciendus sit, facile reperire possem: siue de eximia iuris nostri scientia, siue de singulari pietate tua dixero, quas in te (vir ornatissime) ætas etiamnum integra, tam mature nobis exhibuit, vt ad quasuis res præclaras gerendas, non factus, sed natus, esse videaris. Quarum veluti suffragijs ad præclara munera iamdudum euectus, aliisq;, etiam grandæuis, prælatus sis. Sed quidquid ipse de te dixero, dicturus illud sum tenuius, minusq; splendide, quam dici debuisset, & rei dignitas postularet. Itaq; maluisilere, ac singulares illas animi, corporisque tui dotes suspicere, quam nihil dicendo, infantiam meam prodere. De opella autem mea glorioſius dicere nihil attinet: Illius enim argumentum eiusmodi est, vt nullius adeo commendatione magnopere egere videatur, quippe quod de ijs rebus tractat, quæ ad pacem & concordiam, cum constituendam, tum restituendam, spectant maxime: siue enim, tractatum primum de finibus: siue alterum illum de recuperationibus, quæ dicuntur: siue tertium de criminibus & accusationibus inde oriundis: siue postremum de compromissis & arbitrijs, contempleris, nihil aliud, quam quietem & tranquillitatem humanæ societatis, spirare videntur omnia. Nam ar-

bitria, lites, easque suscitatas, leuiter componunt: fines & recuperationes, dominia & proprietates firmant: accusationes, nocentum peccata detegunt, vt nocentes ipsi vel sanentur, vel e medio tollantur, ne istorum virus proximos quosque vel conficiat vel inficiat. Et certe haud scio, an pace quicquam augustius ad veram singulorum felicitatem excogitari poterit, illa namque nobiscum commorante omnibus bonis ac commodis abundamus, atque ex animi sententia succedunt omnia. At si dulcissima eius consuetudine priuemur, eaque a nobis exulet, statim bello, omnibus malis atque ærumnis expositi, vitam longè miserimam ducimus. Modum autem, quo hæc tractaui, laudare, meum non est. Quod si enim is eiusmodi est, qui tibi, aliisque bonis, & doctis viris placeat, satis per se ipsum commendatus erit: sin minus, vana rei non probandæ commendatio, ipsam laudabiliorem non efficiet. De animo autem meo, hoc tua pace liberè effari libet, voluisse me prodesse quamplurimis; iis autem præcipue, qui prima iuris nostri tyrocinia exercent. Quod vt melius præstare possem, ista volui qualicunque methodo: cum profectò nulla mihi videatur dicendi ars alia nisi methodus, quæ a prioribus natura ad proxima: quæ a notioribus, ad minus nota: quæ a generalibus, ad specialia: quæ a finitis, ad infinita: quæque ita demum ab instituto aliquo genere ad media, tum definiendo, tum diuidendo, transit, donec tandem in exemplorum infinitate consistat, quam quidem disponendi rationem tibi (vir ornatissime) non ingratam fore confido, cum omnes tuæ disputationes, atque adeo dicta omnia, illam ipsam suauissime semper spirare videntur. Te igitur horum mæcenatem rogo, pro genuina & laudatissima illa tua in rem literariam, literatosq; omnes promouendi, promptitudine, & veræ pacis amore singulari, acerrimoq; tuo in delicta odio, si alia reipublicæ grauiora negotia non impediant, hunc libellum cognoscere, suscipere, ac tueri velis; quo mihi animos ad hæc augenda & perpolienda, & his maiora alacriter aggredienda, addas. Te (vir iurisconsultissime) æternæ pacis author, ad sui nominis gloriam, ecclesiæ commodum, & reipublicæ tranquillitatem, quam diutissime seruet incolumem: Ex ædibus meis Firbectiensibus haud longe a Doncastria burgo, in agro Eboracensi, postridie calendas Maias; Anno salutis per Christi solius sanguinem restitutæ. 1594.

Tibi deditissimus,

WILHELMVS WEST.

SYMBOLEOGRAPHY

Of Fines and Concordes.

The definition of Fines.

A FOrasmuch as we haue alreadie in our first part of Symboleography shéwed the forme of diuers Conditions and Couenants, aswell for the leuying of Fines of lands and tenementes, as also to rayse and limit the vses thereof: It now seemeth necessarie to shew how the Notes of writs of Couenants and Concordes for Fines, with other necessarie circumstances concerning the same are to be made. Wherefore let vs first learne what, and how worthy things Fines be. Sect.1.

B Tremayle 21.E.fol.4. tearmeth Fines, couenants made before Iustices, and entred of record.

C Browne saith, Fines be fructus, exitus, & finis effectus Legis, Plow. fol.357.

D Glanuil in his eight booke and first chapter tearmeth a Fine Amicabilis compositio & finalis concordia ex consensu & licentia domini Regis vel eius Iusticiariorum. And Bracton tractatu quinto Lib.5. ca.28.Sect.7. de Exceptionibus saith, finis ideo dicitur finalis concordia, quia imponit finem litibus, & est exceptio peremptoria.

E And Glanuil cap.3. Lib.9. saith, Talis concordia finalis dicitur, eo quod finem imponit negotio, adeo vt neutra pars litigantium ab eo de cætero poterit recedere.

F In which bookes may be seene thauncient forme of leuying Fines & their great antiquitie: for they be as auncient as any Court of Record, Plow.fol.357.a. 368.b. which without question were long before the Conquest.

G So that Fines hauing their commencement of Record long before the Conquest, euer since haue remayned in great estimation, as appeareth by a Fine leuied before the Conquest touching the possession of the Abbey of Crowland, and diuers other auncient Fines leuied before that time yet extant, Plow. 357.a. 368.b.

H But chiefely we are to consider their effects, which be to make certeintie and assurance to the parties concerning their estates in lands and tenements, and to end contention, and breed peace and securitie to all men.

Fines and Concords.

As appeareth by the Statute de Finibus 27. Edw. 1. Stat. 1. cap. 1. I wherein be these words, Quia fines in Curia nostra leuati finem litibus imponere debent, & imponunt: Ideo fines vocãtur maxime cum post Duellum & magnam Assisam in suo casu vltimum locum finalem teneant imperpetuum: with which Statute agreeth Bracton tractatu 5. Lib. 5. cap. 28. Sect. 7. de Exceptionibus.

And therefore by thauncient law, Fine and Nonclaime by the space K of a yeare and a day was a peremptory barre to all men, which was abrogated by the statute made 34. Ed. 3. cap. 16.

And at this day Fines be of great force, puissance, and worthinesse: L for being leuied and ingrossed with proclamatiõs, according to the statute of 4. H. 7. cap. 24. 1. R. 3. cap. 7. 32. H. 8. cap. 36. & 31. Eliz. Reg. cap. 2. They are finall endes, and sufficiently conclude, barre, and discharge for euer aswell parties and priuies as estrangers to the same, except women couert (other then beene parties to the fines) and euery other person at the time of the leuying of the same fine being within the age of xxi. yeares, or in prison, or out of the Realme, or of vnsound mind, and not parties to such fines: Sauing vnto estrangers to such fines such right, title, claime, and interest, as they haue to the tenemẽts therein contained at the time of thingrossing thereof: so that they pursue the same by action, or lawful entrie within fiue yeeres next after proclamations thereupon made according to the said statutes: And sauing to all other persons such action, right, title, claime, and interest, in, or to the tenements in such fines mencioned, as first shall grow, remaine, discend, or come to them after the said fine ingrossed and proclamations made, by force of any cause or matter had or made before the said fine leuied: so that they pursue their action, right, or title within fiue yeeres next after that it is to them accrued.

20. Ass. p. 1. 26. Ass. p. 37. Dyer fol. 179. Plow. fol. 146.

By which authorities we gather that fines are nothing els, but In- M struments of record of agreements cõcerning lands, tenements, or hereditaments, duely made by the Queenes consent & licence, & knowledged by the parties to the same vpõ a writ of Couenant, a writ of Right, a writ of Customes & Seruices, Warrantia chartæ thereof, or such like, before the Justices of the Common place, or others thereunto authorized, & ingrossed of record in the same Court, to end all cõtrouersies therof both betweene themselues which be parties and priuies to the same, and all estrangers not suing or clayming in due time.

These Fines destroy estates taile, (other then such as be made by the N King, the reuersion being in the King, 32. H. 8. ca. 36. And other then fines of lands restrayned from alienation by act of parliament, 32. H. 8. cap. 36. Or leuied by an Intrudor of lands seised into the kings hands, as by an heire which holdeth in Capite before Liuery sued 1. H. 7. ca. 5.

For

For by the Prærogatiue cap. 13. by his entrie he gayneth no freehold.) And in time become perpetuall barres against all men, end strife, make peace, breede securitie and tranquillitie, which is the very fruite, effect, and end of all godly Lawes.

Of the parties to fines.

A IN euery Fine two things are principally to be regarded, the persons, and the action. Sect. 2.

B Persons chiefely regarded in fines be the parties to the fines and the Iudges.

C Parties to the fines be the Cognizor and the Cognizee, which are the efficient causes thereof.

D The Cognizor is he which doth knowledge the fine.

E The Cognizee is he to whom the fine is leuied.

F In the parties 3. things are specially to be regarded: Their Capacities, Names, and Estates.

G Touching the Capacitie of the Cognizor it is to be considered whether he be a person able to leuie a fine or no: namely whether he be void of all such impediments naturall and ciuill as may hinder him in doing thereof.

What persons may be Cognizors, and what not?

A ALl persons male & female may be Cognizors, but such as are prohibited that to doe by nature or law. Sect. 3.

B By nature through defect of the mind, or of the bodie, but no longer then such defect endureth.

C This defect of the mind is either naturall or casuall.

Of Infancie.

A DEfects of the minde by nature is by age which is of Infants, that is persons vnder thage of xxi. yeeres, as by Ideocy which ought not to be Cognizors, because the law intendeth they want vnderstanding and discretion what to do in this behalfe: Yet if a fine be leuied by an Infant, it cannot be reuersed but by himselfe by writ of Error during his infancy, that the Court may see him and thereby iudge his age, 50.E.3.5. 17.E.3.52. and 78. Sect. 4.

B Impediments of the mind casuall such as affect, are furious madde men, Lunatiques, Ideots, men hauing the Lethargie, whereunto may (as it seemeth) be added doting old persons wanting discretion, men drunken, who ought not to be Cognizors, for their fines are not reuersable, because the fine it selfe argueth their habilities, for the law intendeth that Iudges will receiue no cognizances of such persons, 17.E.3. 5. and 78. 17.Ass.17.

Defects of the bodie.

Sect.5. DEfects of the bodie be such infirmities thereof by which the prin- A
cipall sences necessarie for vnderstanding and to declare their con-
sents are wanting: Of which sort be such as are blind, deafe, or dumbe,
naturally.

But persons blind, deafe, or dumbe accidentally may make cogni- B
zance if they can expresse their meaning by writing.

Impediments legall or ciuill.

Sect.6. LEgall impediments be when such persons be prohibited by law as A
by nature are able to leuie fines.

And they are either by reason of subiection or ioint power. B

Of legall subiection.

Sect.7. SUbiection legall is when persons be vnder the rule of others, as a A
feme couert to her husband, 2.H.5. 9.E.3.28. A villein to his Lord
33.E.3. Persons ciuilly dead, as Friers, Nunnes, Monkes, Chan-
nons professed, and other like superstitious votaries, who are in subiec-
tion to their Soueraignes, 14.H.8.16. 2.R.2.5.

Of couerture.

Sect.8. ANo therefore a feme couert within age ought not to leuie a fine, A
for that she cannot reuerse it during the couerture, nor after if the
couerture continue till she be of full age, 50.E.3.5. 27.Ass.pla.53.

And a feme couert ought not to leuie a fine but with her right hus- B
band, 7.H.4.23. 42.E.3.20.

But a fine leuied by a feme couert without her husband of her owne C
landes wherein she hath fee simple, is an estoppell against her and her
heires, if her husband auoid it not by entrie, or otherwise, as he may du-
ring his wiues life, and after her death during his owne life, as if he be
tenant by the Curtesie, 17.E.3.52. and 78. 17.Ass.17. 7.H.4.23.
But if lyuing her first husband she take a second husband, and with him
and by his name knowledge a fine, this fine shall not bind her, because
she is misnamed, 7.H.4.22. and 23. Yet if she with her right husband
by a wrong christian name leuie a fine, she is estopped during her life,
1.Ass.pla.11. Brooke Fines 117.

A feme couert must beware how she with her husband do leuie a fine D
of her Iointure, least she thereby lose her dower, Trin.19.Eliz. Dyer
fol.359.plā 49.

Neyther ought the husband without his wife to leuie any fine of her E
lands, for she and her heires may auoid it after his death, 32.H.8. cap.
28. 12.E.4.12. 42.E.3.20.

Villeines.

A AND Villeines by knowledging such fines should preiudice their Lords, thereby bereauing them of the landes alienes, for such fines be good. Sect.9.

Persons dead in law.

A AND fines leuied by persons ciuilly dead are vtterly void. Sect.10.

Imprisonment.

A AND if men compelled by threatnings or imprisonment should be admitted to leuie fines, they should thereby be barred, because the law intendeth such persons are at libertie when they knowledge fines 17.E.3.52.78. 17.Ass.17. Sect.11.

Of persons hauing ioint power.

A PErsons prohibited to be Cognizors by reason of ioint power, are they that haue ioint power and authoritie with others, as the single members of euery Corporation or Society, As a Bishop without his Deane and Chapter, A Deane without his Chapter, An Abbot or Prior without his Couent, A Parson, Vicar, Prebendary, or Chauntry priest without their Ordinarie, A Maior without his Cominaltie, Masters of colledges without their Felowes, And of other Societies incorporate, may not leuie fines, Plow.375.b.11. Elizab.fol.538.a 21.Eliz.21.E.4.13. 11.H.4.68. 12.H.4.11.& 12.38.E.3.33.Plow. fol.538.a. 20.Eliz. Sect.12.

Of the estates of Cognizors.

A ALbeit euery fine be good to bind the parties, yet for the validitie of the fine it is conuenient that either the Cognizor or the Cognizee be seazed of the lands alienes, 41.E.3.14. 22.H.6.13. Sect.13.

B For the fine is void if neither of the parties be seazed at the leuying thereof, 41.E.3.14. 33.H.6.18. 3.H.6.27. 27.H.8.4. and 20. 37. H.6.34. 13.Ass.p.8. 3.H.7.9. 5.E.3. 22.H.6.57.

C Yet the vouchee after he hath entred into the warrantie may leuy a fine vnto the demandant, though in facto neither of them is seazed: For such vouchee is tenant in law and may confesse the action, because of the priuitie betweene him and the demandant. But a fine by him so leuied to an estranger is void, 8.H.4.5. 5.H.7.40.

D Persons attainted or wayued in personall actions may alien by fine or otherwise, for their estates remayne in them still, though they thereby forfeyt the profites of their landes, 9.H.6.20. 21.H.7.7.

E And persons attainted of Felony or Treason may not be Cognizors, by reason that by their offences their estates be forfeyted, But if they do, their fines be good against all persons but the King and the Lord of whom the lands be holde for their times, 8.Ass.pla.25. for their estats

remaine in them during their liues.

Also tenant for life may leuie a fine sur graunt & releas of the lands F
which he holdeth for life, to hold to the Cognizee for life of the tenant
for life, and it is no forfeiture, 44.E.3.36. But if the estate were lar-
ger, or the fine sur cognizance de droit come ceo que &c. it were a
forfeiture of his estate, 4.H.7.fol.

The same law is of such fins by tenant in tayle after possibility, te- G
nant in dower, or by the curtesie, 39.E.3.16. But such fine of a rēt see-
meth to be no forfeiture, 2.H.5.7. Yet a particuler tenāt, as in dower,
by curtesie, or for life, cannot by fine graunt & surrender their estates to
thowner of the reuersion or remainder, but may by fine graunt and re-
leas the same, 17.E.3.62. 24.E.3.26. 20.E.3.and 14.E.3.

A tenant in commen or Iointenant may leuie a fyne of his part, H
26.H.8.9.

So may a Coparcener of his part, Dyer 334. plac.30. Pasch.16. I
Eliz.

A fine leuied by the heyre who is an Intrudor vpon the kings pos- K
session is voyd per le Prærog.cap.13. 1.H.7.5. 24.E.3.65. But
if such fine be leuied without intrusion, it bindeth the Cognizor and his
heires, 1.H.7.5.

If a disseisor leuie a fyne with proclamation, and the disseisee with- L
in fiue yeares after do not enter or caime, he and his heires be barred for
euer, Plowd.fol.353. 11.Elizab.inter Stowell & Zouch.

Also fines may be leuied by the tenant in taile general, or special, And M
by tenant in fee simple, And by tenant in remainder or reuersion.

¶ Hauing thus passed the capacities and estates of Cognizors, N
let vs haue consideration how they may be named.

How Cognizors are to be named.

Sect.14. TOuching the names whereby parties to fines ought to be named, A
for so much as names be to no other end inserted into fines and o-
ther writings, then that it may be certeinly knowen, who be the parties
thereunto, it is requisite that they be certeinly named by their right
names of baptisme and surnames, whether the same be King, Prince,
Duke, Marquesse, Earle, Vicont, Baron, Lord, or Knight, which be
names of dignitie, (some of which are sometimes named without their
Surnames: as Georg. Comes Salop without his surname, Iohēs Dux
Lancastr.) or he be an Esquire or Gentleman, which be names of wor-
ship, nobilitie, and honor, 14.H.6.15. 21.E.4.84.

Whose addicions neuertheless of curtesie are communly vsed in B
fines: as Jo. Byron Miles, L. D. armig. T. L. genēr, Or if he be a
yeoman, husbandman, artificer, labozer, or any Ecclesiasticall person:

as

as Archbishop, Bishop, Archdeacon, Deane, Parson, Vicar, Clerke, &c. Or any Corporation, or bodie ciuill, politique, or corporate, hauing couent or common seale: as Baylife and Burgesses, Maior and Comminaltie, or any other fraternitie or brotherhood, 11.H.4.44. 12.H.4.20. 14.H.4.21. 7.H.6.27.

C And albeit it be not necessarie alwayes in fines to giue the parties their proper additions of place, dignitie, estate, degree, misterie, or occupation: Yet if there be two or more in one parishe of one name and surname, it seemeth requisite for distinction sake, to giue them some additions &c. as I.S. senior or iunior &c. As if a man haue two sonnes of one name, or the father and his sonne be of one name, the father shall not carie the addition of senior, but the sonne of iunior, and not the elder brother but the yonger, 37.H.6.29. 47.E.3.16.

What persons may be Cognizees in fines, and secondly by what names they must be named.

A ALl such persons as may be grauntees or take contracts, may bee cognizees, as persons of full age, Infants, femes couert, madde men, lunatique, ideots, men imprisoned, men without the Realme, And all Corporations and ciuill bodies, men attainted of felonie or treason, men outlawed in personall actions, bastards, clerkes conuict, villeines, aliens, &c. Sect. 15.

B And if a fine be leuied to a feme couert, she needeth not to bee examined, because she taketh by the fine: And if she had any better estate before the fine, the fine shall not conclude her to claime it, 3.H.6.42. 41.E.3.7. 50.E.3.9. 24.E.3.62.

C Neither shall an Infant being cognizee be examined 24.E.3.62. because the fine is for his benefite. Tenant for life may be cognizee in a fine, by which the cognizee doth confesse all his right, which he hath in the lands, to be the right of the tenant for life, and release and quite claime to him and his heires, and not commit any forfeiture, for thereby his former estate is not changed, and it may inure to him in reuersion or remainder, 1.H.7.fol.5.

D And an Abbot, Deane and Chapter, Maior and Cominaltie, & such like Corporatiõs, may be cognizees in fines: But before the ingrossing of the fine to such Corporation, a writ ought to be directed to the Iustices of the common place, quod permittant finem illum leuari, 5.H.7.25. 19.H.6.25. A Prior may be cognizee, 22.E.4. 15.E.4.22.

E But persons ciuilly dead, as Monkes, Channons, and Friers, can not be cognizees, because they be vnder the rule of others, and want ciuill capacitie, 5.H.7.25. 19.H.6.25.

F 2 Cognizees in fines must be named by their right proper names & surnames: By what names.

ſurnames: for a fine being leuied to A. and Sibell his wife, (where her Chriſtian name was Iſabell) was holden void. 1. Aſſ. pla. 1. See the Section how the Cognizors are to be named, and that will ſatisfie you for the naming of Cognizees.

Before what perſons Fines may be knowledged.

Sect. 16. HAuing thus peruſed the capacities, eſtates, & names of cognizors and cognizees, it is time to inquire of the Iudges, before whom this buſineſſe may be handled: Touching which it is to be noted, that of theſe, ſome are Iudges only at the time of the cognizances & certificat thereof. A

And others at the time of the Concord. B

And Iudges of the cognizances, are ſuch perſons as haue power to take ſuch cognizance, eyther by vertue of their offices, or by ſome commiſſion generall or ſpeciall, graunted vnto them by her Maieſtie out of the high court of Chauncery. C

All or two of the Iuſtices of the Common place may in open court take knowledge of fines, and record them by vertue of their offices, 15. E. 2. cap. D

And the chiefe Iuſtice of the Common place, by the priuiledge and prerogatiue of his place and office, may take cogniſance of fines in any place out of the court and certifie the ſame, without writ of Dedimus poteſtatem, Dyer fol. 224. pla. 31. E

And it ſeemeth by the Statute 15. E. 2. that if the parties be not able to trauell, two of the Iuſtices of the common Bench, with the conſent of the reſt, or one of them with a Knight, may go vnto the parties, and receiue and certifie their cognizances into the ſaid Court, without any Dedimus poteſtatem to enable them thereunto. But this courſe is long ſithence diſcontinued. F

And it ſeemeth that Iuſtices of Aſſiſes by the generall words of their Patents may take and certifie cognizances of fines without any ſpeciall Dedimus poteſtatem for the words be in effect as followeth, that is to ſay: Necnon ad recipiend' omnes fines, concordias, & recognitiones in circuitu ſuo, coniunctim & diuiſim recognit' pro illa vice in circuitu illo, non obſtante aliquo actu, ſtatuto, ſiue ordinatione in contrarium &c. G

Yet ſuch Iuſtices vſe not now to certifie them without a ſpeciall writ of Dedimus poteſtatem, ſued forth of the Chauncery, directed vnto them, and giuing them therby power, to take and certifie ſuch cognizances as they haue alreadie taken, Dyer fol. 224. plac. 51. 5. Eliz. 1. H. 7. 9. And fines haue beene leuied before Iuſtices Errants, Lib. Intrac' titulo Scire fac' in Ayde 2. H

Of

Of a Dedimus poteſtatem de Fine leuando.

A A Special commiſſion for a fine is a writ of Dedimus poteſtatem directed to ſome perſons to take the cogniſances of the cogniſours which is graunted out of the Chauncery, when Cogniſors of fines by reaſon of infirmitie, or other reaſonable cauſe, cannot come to the Court there to make cogniſance thereof. This Dedimus poteſtatem muſt containe the ſubſtance of the writ of Couenant, and recite that it is thereof depending betweene the parties bearing Teſte after the writ of Couenant, which writ of Dedimus poteſtatem ought to be directed to men of good credite & conſcience, and expiert in the lawes, who muſt certifie the ſame with the cogniſances to the Juſtices of the common Plees, as ſhalbe ſhewed hereafter. And euery ſuch Dedimus poteſtatem to a ſpecial commiſſion muſt be ſigned by the Lord Chancelor, or Lord Keeper, and Lord chiefe Juſtice of the common plees, or by ſome of the Juſtices of the circuit where the land lyeth. Sect 17.

B But now many writs of Dedimus poteſtatem to take knowledge of fines bee directed to men of meane degree and ſmall knowledge, with whom ſometimes for faſhion ſake in ſuch commiſſions be ioined Lords, Knights, and other of good credite: but be ſeldome vſed in the execution thereof. By meanes wherof oftentimes this buſines is vnduely effected, and Recogniſances of femes couert within age, and of other weomen, neuer duely examined, and of Infantes, as alſo of madde men, Lunatiques, Ideots, and men impriſoned, are ſometimes certified which would neuer be ſuffered, if ſuch Cogniſors were for that purpoſe either brought into the Court, or before any of the Juſtices thereof, or before any Seriant, or Knight, or man of good conſcience and diſcretion, who would ſoone perceiue their imperfections, and therefore refuſe to take their cogniſances in ſo weightie matters as fines be, which be the moſt binding barres in the law. Great care and heed therfore in my conceipt is to be had, to whom ſuch authoritie is committed, leaſt it be ſo abuſed as is aboueſaid. And writs of Error haue bin brought, becauſe fines haue bin knowledged by Dedimus poteſtatem before ſuch as were neither Iudge, Abbot, Knight, nor Seriant at the law, And therefore ſuch recogniſances haue bin refuſed, Br. Fines 120.

C A Juſtice or other perſon being cogniſee in a fine, may not take cogniſance thereof himſelfe: for if he ſo doe, the fine thereupon leuied is void, 8.H.6. 21.

D And when any cogniſance of fines is taken, it ſeemeth conuenient, that the perſons, before whom they be knowledge, do ſigne the note of the cogniſance as it is commonly vſed for the credite thereof, Dyer fol. 320. P. 19. H. 15. Eliz.

And now by a late order, all fines taken by Dedimus poteſtatem by him

him that is not Iustice of Assise in that circuit where the lād lyeth, must be signed by a Iustice of that circuit, Dyer fol. 220. pla. 15. The forme of the Dedimus potestatē appeareth amongst the adiuncts of concords.

Iudges, to whom cognisances are to be certified, and before whom they are to be recorded.

Sect. 18. IVdges for the recording of fines by the Iustices of the common plees A
onely, 15. E. 2. cap. And therefore as is said, all cognisances thereof must be certified thither, for in that Court onely all fines are to be leuied, Notwithstanding 36. H. 6. 34.

And by special graunt a fine may be leuied in a base Court, 44. Ed. B
3. 38.

But fines leuied in Auncient demesne by any custome seeme voide, C
44. E. 3. 38. And so in other inferiour Courts, 50. Ass. pl. 9.

Also by the statute of 2. E. 6. ca. 28. fines may be leuied in the county D
Palantine of Chester.

And by 37. H. 8. cap. 19. fines may be leuied of lands in the Countie E
Palantine of Lancaster.

And by the statute of 5. Eliz. cap. 27. fines may be leuied within the F
county Palantine of Duresme.

¶ Hauing thus run ouer the discourse of the persons vsed in fines, G
order requireth that we should now set vpon the verie actions of Fines themselues.

Of the diuision of fines.

Sect. 19. Fines deuided. EVery fine therefore is either without proclamations, or with pro- A
clamations.

A fine without ploclamation. At this day a fine without proclamation, which is also termed a fine B
at the common law, is such a fine, as is leuied, after such maner & forme as they were vsually leuied before, 4. H. 7. ca. 24. vpon which no proclamations were made, which fines do still remaine of such force, as they were at the cōmon law, to discontinue the estate of the Cognisor, if they be executed, 7. Ed. 3. fol. 35. 1. R. 3. cap. 7. Dyer fol. 216. p. 54. 4. Elizab. Plow. fol. 265. b. 4. H. 7. cap. 24.

Discontinuance.

A fine with proclamation. A fine with proclamations (the same is also termed a fine according C
to the statute) is a fine leuied with proclamation after the forme & maner ordeined by the statutes made 4. H. 7. cap. 24. 1. R. 3. cap. 7. Mar. ca. 7. 32. H. 8. cap. 36. 31. Eliz. cap. 2. Plow. fol. 265. b

Of fines executed, and executory.

Sect. 20. A fine executed. AND euery fine, aswel with proclamation as without, is either exe- A
cuted or executory.

A fine

B A fine executed is such a fine, as of his owne force giueth a present possession (at the least in law) vnto the Cognisee, so that he needeth no writ of Habere facias seisinam for the execution of the same fine, but may enter, of which sort is a fine sur cognisance de droit come ceo que il ad de son done, which is in verie deed the surest fine of all, 8.H.4.8. 41.E.3. 14. 42.E.3.5. 46.E.3.15. 50.E.3.9. 13.Ass.p.8.

C Fines executory be such, as of their owne force do not execute the possession in the cognisees, as fines sur cognisance de droit tantum, Fines sur done, graunt, releas, confirmation, or render: for if such fines be not leuied, or such render made vnto them that be in possession at the time of the fines leuied, the cognisees must needs sue writs of Habere facias seisinam, according to their seueral cases, for the obtaining of their possessions. Neuertheles, if at the leuying of such executory fines, the parties, vnto whom the estate is thereby limited, be in possession of the lands passed, he needeth no writ of execution for the same, for then such fines doe inure by way of extinguishment of right, but alter not the estate nor possession of the cognisee, but perchance better it, 7.H.7.12, and 22.2.E.3. 6. 21.E.3.44. 8.H.4.8. 41.E.3.14. 7.H.4.23. A fine executorie. Extinguishment.

Againe some fines be single, and some double.

A A Single fine is such a fine, by which nothing is graunted, or rendred backe againe by the Cognisees, or any of them, to the cognisors, or any of them, 8.H.4.8. 24.E.3.26. Sect. 21. A single fine.

B A double fine is a fine containing a graunt and render back again either of some rent, common, or other thing out of the land, or of the land it selfe, to all or some of the Cognisors, for some estate, limitting thereby many times remainders to estraungers, which be not named in the writ of Couenant, 8.H.4.8. 24.E.3.26. and 35. A double fine.

Of the parts of Fines, and of the writ of Couenant.

A IN the forme of euery fine we are to consider the principal parts thereof, & their Adiuncts, both proper to euery part, and common to all. Sect. 22.

The principal parts of fines be the writ or action whereupon the concord is made, and the Concord it selfe. Parts of fines.

Of writs whereupon fines are leuied.

A THe writ is the verie basis, ground & foundation of the fine, whereby the parties haue day in court to leuy the same, & containeth the parties & things to be passed certeinely, And it is most commonly a writ of Couenant, 35.H.8.Br.Fines 116. Or a Warrantia chartæ, 18.E.4.22. Or a writ of Right, Or a writ of Mesne, 26.Ass.pla.37. Or a writ of Customes and seruices, 26.Ass.pla.37. Dyer fol.179.pl.46. Sect. 23.

Whereof

Whereof Fines be grounded.

Sect' 24. IN euery such writ thessential parts & the adiuncts are to be consideA
red: the principal parts therof be the parties to the same, whereof we haue spoken already, And the things whereof a fine is leuied.

Of what things Fines may be leuied.

Sect' 25. AND touching the things whereof fines are leuiable, we are first to A
consider the nature of the things themselues, whether they will passe in fines or no: And then of their names, by which they may passe or not. And howe they may bee in order placed in the writs: Fines therefore may be leuied of all things inheritable being in Esse tempore finis, and certainly expressed in the writs, 18.E.4.22. as de messuagio, tofto, columbario, gardino, terra, prato, pastura, bosco, subbosco, bruera, mora, iuncaria, mariseo, alneto, ruscaria, redditu, *per Registrum fol.* 2.*a* de Rectoria Ecclesiæ parochialis de M. ac de decimis granorum, garbarum, & fœni, eidem Rectorie spectant &c. or cum omnibus decimis granorum, garbarum, & fœni eidem Rectoriæ spectant, *Thel. Lib.* 8. cap. 9. Sect' 2. de Rectoria 2.E.3. de furlongo terre, 4.H.6.14. de passagio vltra aquam de T. de pastura ad certos boues, oues, & alia aueria, ac de communia pro omnibus animalibus, vel pro omnimodis auerijs, vel de libera piscaria, libera warrenna, vel de Aduocatione Ecclesiæ de D. vel de aliquo seruitio speciali, vt de seruitio vnius feodi Militis, vnius paris Calcarium deauratorum, vel de seruitio inueniendi hominem, equitem vel peditem ad eundem, vel ad equitandum cum le Cognisee in exercitu Walliæ vel Scotiæ, &c. de Piscaria, 13.E.3. de officio, 27.H.8. fol. 12. de proficuis officij, 12.E.3. de Aduocatione; *Reg. fol.* 165. de Corodio, 18.H.6. fol. 20. 4.E.4.6. de chiminio, 2.E.3. fol. 49. de proficuo molendini, 18.E.3. fo. 56. de libero redditu in breui, and in the conord, Quod predictus A. recogn̄ prædict' redditum cum pertinen̄ simul cum homagio & fidelitate B. C. & hæredum suorum de totis ten̄tis quæ &c. 1.E.3. fo. 1. et 5. de frankfold', 1.E.3. fo. 1. de Nundinis & Mercatu, 1.E.3. fol. 4. de franchisia, 1.E.3. fol. 4. de Minera plumbi, & cuiuscunque geneis metalli cum pertinen̄, &c. *Reg. fol.* 165. de decimis garbarum ad Ecclesiam de N. qualitercunque spectant̄, *Reg. fol.* 165. de Aduocatione tertiæ partis Ecclesiæ &c. or, de tertia parte aduocationis Ecclesiæ, or, de meditate aduocationis Ecclesiæ, or, de aduocatione medietatis Ecclesiæ, 45.E.3. 12. 33.H.6. fol. 11. de Communia, 4.E.4.6. de caruca terre, de pastura ad cent̄ boues, de homagio, de feodo Militis, *Reg. fol.* 166, 167.

And a fine may be of a Rent charge which had no being before, 21. B
E.3.44.

Or, of a chiefe rent or other rent in being, 18.E.4.22. C

Or,

D Or, of a Seigniory, 48.E.3.23.

E Or, of an acquitaile, 50.E.3.23.

F Or, of a Chauntrie, 38.E.3.33.

G And of many other things may fines be leuied.

H And as fines may be leuied of things in possession, so may they be leuied of a Remainder, or Reuersion, 42.E.3.7. 44.E.3.45.

I And a Reuersion or a Remainder wil passe by the name of the lands, 43.E.3.22.

K But where a fine is of a reuersion or a remainder, it behoueth the cognisee to sue a Quid iuris clamat against the tenant: When it is of rent, a writ Quem redditum reddit: And where of a Seignioyle or seruices, Per que seruitia, to compell the tenant to attourne, as shall be shewed hereafter. Of a reuersion or remainder.

L Fines may be leuied of thinheritance or freehold of parsonages, vicarages, porcions, pensions, tithes, oblations, or any other Ecclesiasticall profit made temporall, and admitted to abide in temporall, handes, and lay vses, by the lawes, and statutes of this Realme of England, 32.H.8.cap.7. Of Ecclesiasticall lands made temporal.

M And to conclude, fines be leuyable of all things, wherof a Precipe qd' reddat lyeth, as will appeare by the examples following.

N And landes bought of diuers persons may passe in one fine, and then the writ of Couenant must be brought by all the vendees against all the vendors: And euery vendor must warrant against him and his heires onely: for it is absurd that one man should warrant the sale of an other without consideration. Of diuerse purchases.

O And such ioint fines seeme reasonable, especially where the seuerall purchases be of so smal value as the charges of a fine would exceed the value of some of them.

P But fines may not be leuied of things incertaine: as de tenemento, 3.E.4.19. 11.H.7.25. 12.H7.6. 47.E.3. Incerteinty. Tenement.

Q Nor of lands giuen in taile by the king, for it is void against the issue en taile and the king, 32.H.8.cap.36. Br. Fines 121. Taile by the King.

R Nor of lands restrained from being sold by act of Parliament, 32.H.8.cap.36. Restraint.

S Nor of lands of the husband or of his aūcestors assured for Jointure, dower, or in taile, to any woman by meanes of her husbande or his aūcestors, for such fine worketh a present forfeiture of her estate, if she grāt a greater estate then for her life, 11.H.7.cap.20. Plow.fol.459. Dower. Ioiture. Forfeiture.

T Nor of lands seised into the kings hands before Liuery or Ouster le maine sued, 24.E.3.65. Lands seised.

V Nor of lands in Aūcient demesne: for if any fine be leuied of such lāds, it may be reuersed by a writ of Disceit, brought by the Lord of Auncient demesne.

ient

ent demesne, & therby he shalbe restored to his seigniory, and it seemeth to be void betweene the parties, quia, coram non Iudice, 7.H.4.44. 8. H.4.23. 21.E.3.20.Reg.fol.13.b, *de Fine adnullando &c.*

Yet it is holden good to bind the parties, 17.E.3.31. and 7.H.4. Br. Fines 101. which seemeth not to be law. W

Auncient demesne and lay fee.

But if such fines be of lands in Auncient demesne and of lands at the common law, it shalbe still good for the lands at the common law, 7.H. 4.44. 21.E.3.20. X

By what names things may passe in Fines.

Sect' 26. Names.

NOw that we haue partly set downe what may passe in fines, let vs see by what names the same may passe. An Honor, this may passe by the name of a Manor, or by his proper name: as de honore de Tickhill, or, de manerio de Tickhill. A

A Manor.

It suffiseth also to demaund a Manor by his proper name without naming of the Towne wherein it lyeth, For it may be out of any towne, or extend into seueral townes & counties: as, de manerio de D, cum pertiñ, yet it seemeth best to expresse all the seuerall townes into which it extendeth: as, de manerio de S. cum pertiñ in D. & E. 19.Ed.4.fol.9.a. 43.E.3.fol.9.a. Bracton Lib.4.cap.31.Sect' 3. 9.E.4.fol.61. 9.a 16.a 17.b. 11.H.7.fo.22.b 49. For if any of the townes, into which the manor extendeth, be omitted, nothing of the Manor in that towne passeth, 5.E.4.103. B

A Castel or Hundred. Manor Castell.

A Castell or a Hundred may be parcel of a Manor, and passe by the name of the manor, whereof they be parcel, 26.Ass.54. And one Manor may be parcel of an other, 2.E.3.fo.36. And a Castel may be demaunded by his proper name: as, de castello de B. cum pertiñ, 1.E.3.fol.4. C

Hundred.

An Hundred may be demanded by it selfe: as, de hundredo de S. 27. H.6.fol.2. D

A Messuage.

Messuagiū is a dwelling house. By the name of a Messuage, may passe a Curtelage, a gardein, an orchard, a douehouse, a shop, a mill, as parcell of an house, Bracto Lib.5.cap.28.Sect' 1.Plow.fo.169.170.171. The like of a cottage, a toft, a chamber, a celler, &c. yet may they be demaunded by their single names. E

A Chahpell. A Hospitall.

A Chappell or an Hospitall must be demaunded by the name of a messuage, 13.Ass.2. F

A Toft.

A Toft is the place wherein a messuage hath stood. G

A Curtelage.

A Curtelage is a garden, or a yard, or fold, or a peece of void ground, lying neere and belonging to a messuage, Plow. H

A Mille

Molendinum is good without adding ventriticum, or aquaticum: albeit the latter be more vsual.44.E.3.fol.13. I

A Reuersion.

Of a Reuersion, by the name of the land, or otherwise, 43.E.3.22. K

Land

L Land is to be demaunded by the certeine measure of the superficiall quantitie thereof: as hida, carucata, bouata, virgata, acra, roda terræ. Land.

M In like maner boscus, subboscus, bruera, mora, iuncaria, mariscus, & alnetum, & ruscaria, may be demaunded by the number of acres thereof, 16. Ass. 9.

N Turbarie may be demaunded by the name of More.

O Rent by the multitude and number of the things which are to be rẽdred: as, x. librar̃, or sex denar̃, or vno obular̃, or quinq; solidar̃ reddit̃. Rent

P Housebote, Haybote, and Plowbote, may be demanded by the name of Estouers: thus, de rationabili estouerio in boscis, viz. in decem acris bosci ipsius A. in D. &c. Estouers

Q Parsonages, Rectories, Aduowsons, Vicarages, or Tythes impropriate, passe not by the names de Aduocatione Ecclesiæ, but de Rectoria Ecclesiæ de S. cum pertin̄. A Parsonage

R But whẽ it is but of a presentation, it must be de Aduocatione ecclesiæ de S. and not, cum pertin̄. A Presentatiõ

S And of all Vicarages endowed, the writ must be de Aduocatione Vicariæ Ecclesiæ de S. and not cum pertin̄. A Vicarage.

T And where no Vicarage is endowed, it passeth vnder these words, de Aduocatione ecclesiæ de S. &c.

V If an entier manor, mesuage, or other entier thing, be deuided or parted, and after a fine is to be leuied of some of the parts of the thing so seuered, thẽ must not the fine be de medietate, or de quarta parte, or, other part, of the manor, mesuage, or other thing, but such part must be demaũded by the name of a whole thing: As if the manor of D. be deuided into 2. parts, the fine of thone part (if the deuision be so made, that the manor of that part be not extinct) must be de manerio de D. So, if a mesuage and xx. acres of land be parted into two parts, the fine of thone part must be de vno mesuagio & decem acris terre &c. and not de medietate vnius mesuagij, & xx. acrarum terre: for the things new diuided from the rest, are now become whole thinges by themselues, though lesse in quantity then the whole was before diuision thereof made. If a thing be twise named in a writ of Couenant, it hurteth not: as a Manor and an Hundred parcel of the same manor, 27. H. 8. 2. Parts seuered. Twise named.

X If lands in diuers Shires passe, there must be seuerall writs of Couenant thereof accordingly, and but one Concord, Dyer 227. pla. 44. 15. E. 4. 33. Diuers Shires.

Of the names of the place wherein the lands do lye.

A AND the place wherein the lands do lye, is taken to be parcel of the name thereof: And therefore we must regard the places wherein the lands do lye, as the shire, Towne, Parish, or Hamlet: for a fine is good Sect. 27. Place.

in

Hamlet. Towne decaied.

in a Hamlet, 38.E.3.fol.19. 8.E.4.fol.6. and 7.E.6.Br.Fines 44.&91. or in a Towne decaied, 7.E.6.Br.Fines 91.

Neuertheleſſe, it is alſo good to name the Towne wherein the ham- B
let is, as it ſeemeth, and that with addition, for diſtinction, if there be di-
uers Townes of the ſame name in the ſame Countie.

A manor in diuers townes

And if a Manor extend into diuers Townes: as, A.B.C. it is good to C
expreſs al or none: as, de manerio de S. in A.B.C. for if any of the townes
be omitted, none of the manor in that towne paſſeth. Yet a fine of a ma-
nor cum pertin̄ would haue caried the whole manor, 9.E.4.6.

Two manors of one name.

But if a mā haue diuers Manors of one name: as, South S. & North D
S. it is good, in a writ of one of the ſame manors, to expreſſe certainly
which of them is intended to be paſſed, 47.E.3. 12.H.7.6. Albeit it is
thought good ynough by the name of the manor of S. without addition:
for certeintie is alwaies beſt.

How ſeueral things muſt be placed in writs of Couenant.

Sect. 28. Orderly placing.

NOw that we haue partly learned, of what things fines may be le- A
uied, and by what names: yet ſeemeth time to ſhew in what order
and forme they muſt be therein placed one before an other, when diuers
thinges paſſe by one writ, for which we may obſerue theſe rules. Firſt
the more worthy thinges muſt be put before things leſſe worthy: as a
Meſuage is ſet before land, a Manor before a meſuage, a Caſtle before a
Manor, 7.H.6.39. Plow.168.169.

Worthyeſt.

Things general.

Secondly, things general before things ſpecial: as lande (being the B
general, or genus to meadow, paſture, wood, Iuncaria, mariſcus, is firſt to
be placed: And wood (being the general to wood grounds, as alnetum
ſalicetum &c. is to be ſet before them the writs.

Whole things Parts.

Thirdly, entier or whole things are to be ſet before their partes: as, C
de manerio de C. & medietate manerij de B. cum pertinen̄ &c.

Things excepted.

Fourthly, parts of things excepted muſt ſucceede thoſe things out of D
which they be excepted. And if there be diuers parcels in one writ, that
parcel, out of which the exception is to be made, ought to be laſt placed,
Regiſtr fol.6. as, de manerio de D. cum pertin̄ in C. (excepto vno me-
ſuagio, duabus acris terre, & aduocatione Eccleſie de C. &c.)

Pertinencie.

And euery thing excepted ought to be certainly named. It needeth E
not to ſay cum pertin̄ after the thing excepted, 40.E.3.25.

And the exception muſt alwaies be of ſuch things, wherof the writ wil F
lie, and be mencioned therein, Plowd. fol.361.a 362. b 370.a Regiſtr
fol.228, 229. of which for the preſent, view the enſuing: vi-
delicet.

Præcipe A.B. quod teneat C.D. conuenc' &c. de vno meſuagio, vno cotagio, & medietate vnius meſuagij, & decem acrarum terre

terre

terræ cum pertiñ, excepta vna acra terræ in N. &c.

G And finally the forme & order of placing the particulers in a writ of Couenant, is in all things as in a Præcipe quod reddat of lands. Regula.

H And further, obserue the rule of the Register fol. 2. which partly appeareth in these Uerses ensuing.

I suagium, tum, lendinum, umbare, dinũ, ra, tum, tura, cus, ra,
Mes, tof, mol, col, gar, ter, pra, pas, bos, brue, mora, Regula.

ria, cus, tum, caria, ditus,
Iunca, maris, alne, rus, red, sectare priora.

K The writ of Couenant must beare Teste before the writ of Dedimus potestatem, 35. H. 8. Br. Fines 116. Writ.

Of Adiuncts proper to the writs whereof Fines be leuied.

A OF Adiuncts proper to writs of Couenant, and other writs vpon which fines be vsually leuied, some be internall Adiuncts, and some externall. Sect. 29.

B Adiũcts internall, be the days of returne, and the date or Teste of the writ, which be also common to other writs. Adiuncts internal.

C In the Returne it is to be obserued, that there be xv. dayes at the least betweene the Teste, and the day limited for the returne thereof, 12. E. 4. 11. Returne.

D The Teste or date must not be vpon any Sunday, or other festiuall day, which is not dies iuridicus in Court. Teste.

E External Adiuncts to writs be, the writing, the Latin, the affidauit, or composition, the signing, and the paiment of the fine, and returning, which be in like maner common to other writs. Externall.

F Touching the writing thereof, it is meete to be faire written without rasing or interlining of any principall matter therein, for such rasing or interlining will ouerthrow the writ in some cases, 45. E. 3. 18. Writing. Rasing. Interlining.

G Also it behoueth that there be no false Latin in any such writs, 7. H. 6. 34. False Latin.

H And therfore such writs should heedfully be examined twise or thrise ouer, for feare of errors. Examination of writs.

I The forme vsed in the returning of such writs wil appeare amongst the presidents, for the returnes are nothing else but the Shirifes answeres touching that they are commaunded to do by the same writs. Returnes.

K Upon what writs fines may be leuied.

L For so much as no fine can be leuied but vpon some originall writ, Stat. de Finibus, 18. Edw. 1. we are now to consider vpon what original Originals.

writs fines are leuiable.

Couenant. A writ of Couenant is the moſt vſuall writ wherupō fines are leuied, M
Fitz.Nat.bre.fol.146.f. 35.H.8.Br.Fines 116. Carliel St.15.E.2.

Warrantia cartæ. Yet may fines be leuied vpon a writ Warrantia cartæ, 18.E.4.22. N
Carliel St.15.E.2.

Meſne. Or vpon a writ of Meſne, 18.E.4.2. O

Cuſtomes & ſeruices. Or vpon a writ de Conſuetudinibus & Seruitijs, 22.Aſſ.p.37.Paſc. P
14.Eliz. Dyer fol.179.pla.46.

Right. Or vpon any writs of Right, 7.E.3.fo.335. Plow.fol.358. Q

Without original. Yet Tremayle Juſtice holdeth, that if in a Præcipe quod reddat a- R
gainſt the tenant for life, which maketh default after default, he in the reuerſion or remainder be receyued, a fine may be leuied of the land betweene the demaundant and him in the reuerſion or remainder, Ideo Quære, 21.E.4.4.

Quod permittat. A fine may be vpon a writ Quod permittat habere chiminum vltra S
terram le Cognizor, 2.E.3.19. Fitzh.Fines 102.

The ſeuerall formes of Concordes.

Sect.30. A Concord is the verie agreement betweene the parties how the A
lands ſhall paſſe, in the forme whereof many things are to be regarded: As if it be ſingle, whether it be ſur cognizance de droit come ceo que il ad de ſon done, Or, ſur graunt, done, releas, or confirmation. Or if it be a double fine with a render, what eſtates are to be crea- B
ted thereby, and of the reſeruation of Rents nomine penæ, and clauſe of diſtreſſe, and ſeruices, with the clauſe of warrantie. For which it is C
to be noted, that when a fine is leuied to diuers Cognizees, the right ſhal be limited to one of them onely, and the eſtate limited to his heires onely whoſe right it is knowledged to be, 3.H.6.42. 21.E3.33. 43.E.3.11 24.E.3,64. as this:

Et eſt Concordia talis, ſcilicet, quod p̄dictus A. cogn̄ teñt præ- D
dict' cum pertin̄ eſſe ius ipſius B. vt ill', quę ijdem B. & C. hēnt de dono præd' A. Et ill' remiſit & quiet̄ clam̄ de ſe & hæredibus ſuis præfatis B. & C. & hæredibus ipſius B. &c.

But the kings tenant in Capite may knowledge the right of his lands to be in diuers for the kings benefit, in hauing many ſuch tenants in Capite, 7.H.7.4.

And likewiſe the releas and warrantie muſt be from the heirs of one E
of the Cognizors, 44.E.3.21. for in a fine from diuers, the fee muſt be ſuppoſed to be in one of them onely, 21.E.3.33.

In a fine ſur graunt and render, none can take the firſt eſtate vpō the F
render, but ſome of the Cognizors, but Reuerſions or Remainders any eſtranger may take: For if A. knowledge a fine to B. and B. render to the ſaid A. Habendum ſibi & E. vxori eius, and the heires of their bo-

dies

dies &c. by this fine E. must haue none estate, because she is not named in the writ, 24.E.3.28. 30.H.8.Br.Fines 108. 7.E.3.64.

G And a man cannot by fine by way of remainder reserue a lesse estate to himselfe then fee: And therefore if A. knowledge a fine to B. in fee, and he rendre to A. in taile, the remainder to himselfe for life, this remainder is void, for A. had fee simple before, 24.E.3.28. 14.H.4.31.

H And a Concord cannot be of any other thing then is conteyned in the writ of Couenant, and not of a forein thing, if it be not consequent: As in a writ of land, rent, common, &c. may be rendred issuing out of it, 18. E.4.22.

I And a Concord may be with an exception of some part, 44.E.3.21.

K If a man will, he may make a Jointure by fine thus: If J. leuie a fine to A. in fee sur cognizance de droit come ceo &c. and after A. rendre to J. for life without impeachment of wast, the remainder to B. his wife for terme of her life, the remainder to J. and his heires, 38.H. 8, Br. Fines 108.

L The Manors & tenements conteined in the writ may be diuided: As if a fine be leuied betweene R. and M. of ii. manors, which M. knowledgeth all his right of the said ii. manors to be the right of the said R. as that which &c. for which R. graunteth & rendreth thone manor to M. for life, with ii. parts of the other manor, which M. holdeth in dower, To haue thone manor, and two parts of the other manor, to M. for life, the remainder after her death to R. in taile, and that after the death of A, the third part shall remaine to an other, 43.E.3.11. 45.E.3.12.

M And in like maner a fine is leuied of the manor of G. cum pertinen̄ by A. vnto C: which A. knowledgeth the right in C, as that &c. and C. granteth and rendreth the same to A. in tayle, The remainder of the 4. part of the manor towards the west to the said A. and her heires, the remainder of an other 4. part towards the East to J. in fee, the remainder of an other 4. part towards the South to one R. in fee, and of the other 4, part towards the North to W. and his heires, it is good, 44. Ass. p.11. Or incerteinly by 3. third parts to A. B. and C. in remainder seuerally, 18.H.7. Br.Fines 111.

N A fine leuied to one in tayle vpon condition with remainder is holden to be good, 27.H.8.24. Plowd. 34.b. 24.E.3.62. Contra per Prisot 33.H.6.52. and 44.E.3.22. But a fine with a reentrie was reiected, 44.E.3.22.

O A lease for yeares may be made by a fine in this forme: The lessee must knowledge the tenements to be the right of the lessor, as that &c. and then the lessor must graunt the lands backe againe to the lessee for so many yeres as are agreed vpō, reseruing a rēt with a clause of distresse: But this fine wil not bind the issue in taile, because he taketh by the fine

but glueth nothing thereby, Br. Fines 106. tempore H.8. 36.H.8. Br. Fines 118. Plow. 455. 14. Eliz.

Or, a leafe for yeares may be made by fine to bind the tenant in taile, thus: The tenant in taile and the leffee to knowledge the tenements to be the right of an eſtranger as that &c. and the Cognizee to graunt and render the tenements to the leffee for certain yeeres yeelding a rēt with a clauſe of diſtreſſe, and then graunt the reuerſion to the tenant in taile, 36.H.8. Br. Fines 118. P

If an eſtranger, which hath nothing in the lands, leuie a fine to him in the remainder in taile dependant ſur eſtate pur vie, ſur cognizance de droit come ceo que il ad de ſon done &c. and the cognizee by the ſame fine render to the cognizor for yeares, de commēcer al Mich. enſuant, and dieth, and al the proclamations are made after his death, The tenant for life after ſuch time as the ſaid leas is limitted to begin dieth, it is adiudged a good leas to barre the iſſue in taile for the terme, 14. Eliz. Plowd. fol. 437. b. inter Smyth & Stapleton, which ſeemeth contrarie to the opinion before, Br. Fines 106. 118. Q

A. by fine graunteth his tenements, which I. holdeth for life, and which after his deceaſe &c, to W. for life, rendring rent &c. with a diſtreſſe, ſauing the Reuerſion; 44. E. 3. 45. R

Fine ſur cognizance de droit come ceo &c, is leuied to A. in fee rendring rent, this reſeruation is void, becauſe the fine is executed, for no reſeruation can be but of a fine executorie, as ſur render, 50. E. 3. 9. 24. E. 3. 26. 39. E. 3. 1. S

And if diuers ioine in a fine, the warrantie muſt be by them, and the heires of one of them which is the owner of the land, 44. E. 3. 1. 21. E. 3. 27. 42. E. 3. 13. 24. E. 3. 66. Contr̄ ſur terres de Gauelkind, ibm̄. T

A particuler tenant, as for life &c. cannot ſurrender his terme to him in the reuerſion or remainder by fine: But he may graunt and releas it to him by fine, 44. E. 3. 36. V

One Concord may be of lands in ſeuerall Counties, and the fine pro licenc' concord' of all extracted entierly: Yet muſt there be ſeuerall writs of Couenant, returnable all at one day, 6. Eliz. Dyer fol. 227. pl. 44. 15. E. 4. 33. W

And finally in Concorde, all the ſpeciall names of things conteyned in the writ, whereupon the fine is leuied, are not to be rehearſed, But onely the generall words therein mentioned: as manor, tenements, rents, aduowſon, common, &c. X

As where the writ is de vno meſſuagio, vno gardino, vno pomario, decem acr̄ terræ, v. acr̄ prati, x. acr̄ paſturæ, iiij. acr̄ boſci, & communia paſtur̄ cum pertin̄ in C. &c. Y

The Concord hath, Recogn̄ teñta & coiam prædictam cum pertinentijs Z

cinentijs esse ius &c. But the examples following will more plainely expresse this, and all the differing formes of Concords here before mencioned.

A writ of Couenant of 3 messuages, and of common of pasture.

A PRæcipe &c. de tribus mesuag' &c. cum pertiñ in D. & T. & de cõmunia pastur̃, pro omnibus & omnimodis auerijs, ac de pastura pro 400. ouibus cum pertiñ in D. in parochia de C. Et nisi &c. Sect. 31.

Of one messuage, one curtilage, one gardeyne, of a rent, and of sheepewalke.

A PRæcipe &c. de vno mesuag', vno curtilagio, vno gardino &c. ac v.li. reddit̃ cum pertiñ in F. Necnon de libert̃ vnius faldagij & cursu ouium cum pertiñ in F. Et nisi &c. Sect. 32.

Of Wood, and a Foldage.

A PRæc' &c. de centum acr̃ bosci cum pertiñ in N, ac de libertate faldagij pro xl. ouibus cum pertiñ in S. Et nisi &c. Sect. 33.

Of Wood.

A PRæcipe &c. de &c. & quatuor virgat̃ bosci &c. in parochijs de B. & L. &c. Sect. 34.

Of 2. partes in 3. partes deuided of 8. acres of land, of pasture, acres of reede, and of freshe and salte marshe land.

A PRæcipe &c. de duabus partibus in tres partes diuidend', viij. acr̃ terræ, lx. acr' pastur̃, lx. acr' arundinarum, x. acr̃ mariſci friſci, & mariſci salsi cum pertineñ in D. &c. Et nisi &c. Sect. 35.

Of a parsonage impropriate and of the moytie of the tithes.

A PRæc' &c. de Rector̃ impropriat̃ de H. cum pertiñ, ac de medietate omniũ decimarũ, granor̃, bladorum, garbar', & fœni, de terris voc̃at̃ le B. lands cum pertiñ in H. prædict' &c. Et nisi &c. Sect. 36.

Of a manor, of rent, and free foldage for sheepe.

A PRæcipe &c. de maner̃ de &c. & decem solid' reald', ac de libero faldagio ouium cum pertiñ in R. & de Hundred' de L. Et nisi &c. Sect. 37.

A writte of Couenãt by one of the Queenes Secretaries of the 3. parte of 4. messuages, 4. cottages, one mille, gardeins, orchards, lands, medowe, pasture, more turbarie and rent, the 3. parte of the view of franke pledge, of goods and cattels wayued, of fellons, fugitiues, put in exigent, felons de se, deodans, treasure founde, extrahur, and of the 3. parte of a Parsonage.

A PRæcipe W. S. Militi dño M. quod teñ W. C. Milit̃, principal' Secretar̃, dñæ Regiñ conuenc' &c. de tertia parte iiij mess', iiij. cotag', vnius molendiñ, x. gardiñ, x. pomar̃, 200. acr̃ terræ, 200. acr' prati, 200. acr̃ pastur̃, 30. acr̃ moræ, 30. acr' turbar̃, & v.s. redd' cum ptiñ Sect. 37.

in A.B.,C. D. ac de tertia parte Vis. franci pleg', bonor & catallor waviar, felon, fugitiuorum, vtlagar, in exigen positorum, fel' de se, deodand', thesaur' inuenr, ac extrahur cum pertinentijs in M.&c. Necnon de tertia parte Rector ecclesiæ de K.cum pertin. Et nisi &c.

A writ of Couenant of Tythes.

Sect.38. Leic. ss. PRæcipe T.N.Milit,qd' ten T.P. conuenc' &c. de profictuis granor,fœni,lanæ, & agnor, ac de omnimod' alijs decimis cum pertinentijs in M. Et nisi &c. A

A writ of Couenant of the Scite of a Monasterie of messuages, of common of pasture for all maner of beastes, of rent, and of rent hennes, and rent worke.

Sect.39. Derb. ss. PRæc' A.B.quod ten C.D.conuenc' de situ Monast. de B,cum pertinen, Ac de xx. messuag' &c. ac de communia pastur pro omnibus animal', ac de C.s. reddit, ac de redditu C. galinar, & C. oper' cum pertinen in E.& F. Et nisi &c. A

¶ Et est concordia talis, scz. quod pdictus A. B. recognouit præd' situm tenr, communiam pastur,& redd' cum pertinentijs esse ius ipsius C.vt ill' &c. (cum relax' & warrant &c.

A writ of Couenant against the Father and his sonne, and heire apparant, of cottages, toftes, barnes, watermils, of one windmill, dousehouses, gardeins, orchardes land, medow, pasture, wood, marishe, furres, heath, moore, rent, halfe a pound of rent peper, of a myne of cole, and the advowson of a Church.

Sect.40. Linr. ss. PRæcipe F.M.armig', & T.M. filio & hæredi apparent eiusdem F. quod ten F.F. & N. R. gent conuenc' &c. de manerr de T.S. & H. iuxta N. super Trentam, Ac de xl. mes. xx. cotag', xl. toft', xxx. horreis, ij. molend' aquatic', vno molend' ventritico, iij. columbar, xl. gardin, xl pomar, mille acr terræ, mille acris prati, mille acr pasturæ, 500. acr bosci, 100. maris. 100. iampn & bruer, 100. acr alneti, 110. acr iuncar, 500. acr moræ, iiij. libr' reddit, & redd' dimid' vnius libræ piperis cum pertin in T.&c. Ac etiam de minera carbon cum pertin in T.& S. Necnon de Aduocac' Ecclesiæ de T. & H. Et nisi &c. A

A writ of Couenant of Dismes and Tythes.

Sect.41. Notting. ss. PRæc' D.E.qd' &c. teneat R.Y.armig' conuenc' &c. de decimis garbarū, granorū, & fœni cum pertin in R. & W. Ac de decima fœni in V. Necnon de decimis lani, agnorum, oblationum, obuentionū, & emolumentorum, A

&

& de omnibus alijs decimis quibuſcuuq;, venieñ, creſceñ, & renouañ in W. prædict', Et niſi &c.

A writ of Couenant againſt the husband and the wife of a Parſonage, and of the aduouſon of a Vicarage, and of meſſuages, cottages, barnes, and gardeins.

A PRæcipe T. B. & A. vxori eius, quod teñ C. W. armig' conuenc' &c. de Rectoria de L. ac de aduocac' vicar' de L. ac de decem meſuag. x. cotag', x. horreis, x. gardiñ &c. cum pertiñ in L. præd'. Et niſi &c. Sect. 42.

B Præc' &c. qd' iuſte &c. de x. meſ. &c. in W. Necnon de Rectoria eccleſ. de G. & de deciñ granoř, fœni, lane, agnoř, & omnium aliar' decimarũ quarumcunq; in G. præd'. Ac etiam de aduocac' Vicar' eccleſiæ de G. prædict' cum pertinentijs. Et niſi &c.

A fine knowledged by one to two perſons, of ſixe meſſuages with warrantie againſt him and his heires.

A Surř. ſſ. PRęcipe W. W. quod iuſte &c teñ I. L. & A. P. coñ &c. de ſex meſuagijs &c. cum pertineñ in C. W. & E. &c. Et niſi &c. Sect. 43.

B ¶ Et eſt concordia talis, ſcilicet quod prædict' W. recogñ prædict' tenementa cum pertineñ eſſe ius ipſius I. vt ill' quæ ijdem I. & A. habent de dono prædict' W. Et ill' remiſeř & quietũ clamñ de ſe & hæred' ſuis prædict' I. & A. & hæred' ſuis imperpetuum. Et præterea idem W. conceſſit pro ſe & hæredibus ſuis, quod ipſe warrantũ prædict' I. & A. & hæred' ipſius I prædict' tenementa cum pertineñ contra prædict' W. & hæred' ſuos imperpetuum. Et pro hac &c.

A Fine by the husband and wife to two, of meſſuages, toftes, lands, medowes, paſture, and rente, with warranties, againſt the Conuſor and his heires.

A Surř. ſſ. PRæcipe I. T. & A. vxori eius, quod iuſte &c. teñ W. R. & R. D. conuenc' &c. de quatuor meſuag', quatuor toftis, xl. acř ťerræ, xx. acris prati, 120. acř paſturř, & quinque ſolid' & iiij. denař reddiť cum pertineñ in S. Et niſi &c. Sect. 44.

B ¶ Et eſt concordia talis, ſcilicet quod prædict' I. & A. recogñ prædictũ tenementum cum pertinentijs eſſe ius ipſius W. vt illa quæ idem W. & R. habent de dono prædictorũ I. & A. Et ill' remiſeř & quieť clamaueř de ipſis I. & A. & hæredibꝰ ipſius I. prefatũ W. & R. & hæredibus ipſius W. imperpetuum. Et præterea ijdẽ I. & A. conceſſerunt pro ſe et hæredibus ipſius I. quod ipſi warrantũ predictis W. & R. & hęred' ipſius W. præd' teñtum cum pertiñ contra p̃dict' I. & A. & hæredes ipſius I.

imperpetuū. Et pro hac recognī, remiſſione, quietclamationī, warrant, fine, & concord', ijdem W. & R. dederunt prædictis I. & A. ducentas & quadraginta libras ſterlingorum.

A fine by two, and the wife of the one of them of land, medowe, paſture, and of wood, with warrantie againſt the Conuſor and his heyres.

Sect. 45. Lincolñ, ſſ. PRæcipe R.B. genī, & T.R. & M. vxorī eius, quod teñ T. B. genī conuenc' &c. de triginta acr̄ terræ, duabus acr̄ prati, tribus acr̄ paſturæ, & ſex acris boſci cum pertinentijs in C. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet quod præd' R. T. & M. recognouerunt tenementa prædict' cum pertineñ eſſe ius ipſius T. B. vt illa quæ idem T. habet de dono prædictorum R. T. & M. Et ill' remiſerunt et quiet̄ clamauer' de ipſis R. T. & M. & hæred' ipſius R. præfat̄ T. B. & hæred' ſuis imperpetuum. Et præterea ijdem R. T. & M. conceſſer̄ pro ſe & hæred' ipſius R. quod ipſi warrant̄ tenementa prædict' cum pertiñ præfat̄ T. B. & hæred' ſuis contra prædict' R. T. & M. et hæred' ipſius R. imperpetuum. Et pro hac &c. B

A fine by one and his wife to one of the reuercion of the 3. parte of 7. meſſuages, of gardens, lands, medowe, paſture, and wood, after the death of one with warrantie againſt the Conuſor and his heyres.

Sect. 46. Surr̄. ſſ. PRæcipe T. W. & K. vxor' eius, quod iuſte &c. teneant G. S. conuenc' inter eos fact', de tertia parte, viij. meſuag', ſeptī gardiñ, lx. acr̄ terr̄, x. acr' prati, xx. acr̄ paſtur̄, quinquaginta acr̄ boſci cum ptiñ in A. B. C. & D. A

¶ Et eſt concordia talis, ſcz. quod prædict' T. & K. recognī tertiam partē prædict' cum pertiñ eſſe ius prædict' G. & conceſſ. quod eadem tertia pars cum pertiñ, quam M. B. vid' tenet ad terminum vitæ ſuæ de hæreditate ipſius K. die quo hæc concordia facta fuit, & quę poſt mortem eiuſdem M. ad ipſos T. & K. reuerti debuit, remañ præf. G. & hæredibus ſuis imperpetuum. Tenend' &c. Præterea ijdem T. & K. conceſſ. pro ſe & hæred' ipſius K. quod ipſi warrant̄ præfat̄ G. & hæredib' ſuis tertiam partem præd' cum pertiñ ſicut prædictum eſt contra ſe & hæred' ipſius K. imperpetuum. Et pro hac &c. B

A fine by a Lord, Baron and his wife, to an archbiſhop and one other of three manors, meſſuages, toftes, cottages, milles, barnes, gardeins, lands, medowe, paſture, wood furres, and heaths, of rent, of the aduowſon of a Church, and of the view of francke pledge with warrātie againſt them and their heyres.

Sect. 47. Midd̄, ſſ. PRæcipe I. L. Militi, dño L. & I. vxorī eius, qd' iuſte & ſine dilatione teneant Reuerēdo in Chriſto patri T. Y. A

permiſſione

permiſsione diuina Archiepiſcopo Eborꝫ Anglie primati, & G.L.conuenc' inter eos fact' de manerijs de R.K. & M. cum pertiñ,ac de quinquaginꝯ meſſuagijs quingentis toftis,ducentis cotagijs,ſex molendinis, quingentis horreis, quingẽtis,gardiñ,quinque mille acre terre,mille acris prati,ſex mille acrꝫ paſture, mille acris boſci, decem mille acrꝫ iampnorum & bruere,ac de quingenꝯ libr' reddiꝯ cum ptiñ in R.C,A.alias S.T.V.W & E.Ac de Aduocatione Eccleſie de E.predict'. Ac de Viſu franci pleg' de R. C.& A. prædict'.Et niſi &c.

B Et eſt concordia talis,ſcz.quod prædictus I.L. Miles, dominus L. & I.vxor eius,recognꝯ maneria,teñta,redditus,aduocationem,& viſ.franci pleg'predict' cum pertinentijs eſſe ius ipſius T.Y. Archiepiſcopi Eborꝫ, Et ill' que idem T.Y.Archiepus & G.L. habeant de dono predictorum I.L.& I.vxor eius.Et ill' remiſerꝫ T.Y. Archiepo & G.L. & hered' ipſius T.Y.Archiepiſcopi imperpetuũ. Et vlterius ijdem I. L. & I. vxor eius, conceſſer' pro ſe & hered' ipſius L. quod ipſi warrantizabunt maneria, teñta,reddiꝯ,aduocac',& viſ. francipleg' præd' cum pertiñ præd' T. Y. Archiepo Eborum,& G.L. & hered' ipſius T. Y. Archiepi contra omnes homines imperpetuum.Et pro hac &c.

A Fine by two to one of manors, milles, douehouſes rents, & common of paſture,with warrantie againſt the conuſors and the heires of one of them.

A ET eſt concordia,ſcilicet quod prædict' A.& B.recognꝯ prædict' maneꝝ,molendiñ,columbaꝝ,teñꝯ,reddiꝯ,& coïam paſtur' cum ptineñ eſſe ius ipſius C.vt ill' quæ ijdem C.& D.habent de dono ipſorum A.& B.Et ill' remiſerꝫ & quietꝫ clamꝫ de ſe & hered' ipſius A.prædict' C.& D. & hered' ipſius C.imperpetuum. Et preterea idem A. conceſsit pro ſe & heredibus ſuis,quod ipſi warrantꝯ prædict' C.& D.& hered' ipſius C. præd' maneꝝ,molendinum,columbarium, teñꝯ reddiꝯ,& communiam paſturꝫ cum ptiñ contra ſe & hered' ſuos imperpetuum. Et vlterius idẽ B.conceſsit pro ſe & hered' ſuis &c.(*vt ſupra.*) Sect' 48.

A Fine by one and his wife to one of one manor,of meſſuages, tofts, cottages, barnes,one water mille,a fulling mille,a winde mille, a douehouſe, gardeins,orchards,land,medowe paſture,wood,furres,heath,moore,freſh & ſalt marſhe,rent,free fiſhing,the aduowſon of a Church by turnes with a generall warrantie.

A Deuoñ. ſſ. PRæcipe I.H.& V.vxori eius, quod iuſte &c. teñ R.P. generoſ. conuenc' &c. de manerio de B. cum pertiñ, ac de viginti meſſuagijs,duobus,toftis,ſex cotagijs, 4.horreis,vno molend' aquatico,vno molẽdino ventritico vno colum- Sect' 49.

columbario, viginti gardinis, decem pomarijs, centum acr̃ terre, centū acris prati, mille acris pastur̃, decem acris bosci, viginti acris saliceti, centum acris iampnorum & buere, viginti acris more, viginti acris turbarie, triginta acris mosset̃, sex acr̃ iuncar̃, xx. acr̃ marisci frisci, & xx. acr̃ marisci salsi, duobus acris alneti, x. marcis reddit̃ cū pertiñ in B.C. & D. Necnō de liberis piscar̃ in aquis de O.C. & D. Ac de seperali piscar̃ in aqua de S. Necnon de Aduocatione ecclesiæ de B, alternis vicibus cum acciderit. Et nisi &c.

Et est concordia talis, scz. quod præd' I. & V. recognū maneria, tene- B
menta, reddit̃, & liber̃ piscar̃ prædict' cum pertiñ ac aduocationē prædictam esse ius ipsius R. vt ill' que idem R. habuit de dono prædictorū I. & V. Et illa remis. & quiet̃ clam̃ de ipsis I. & V. & hered' ipsius I. p̄dict' R. & heredibus suis imperpetuum. Et preterea ijdem I. & V. concesserunt pro se & heredibus ipsius I. quod ipsi warrant̃ prædicto R. & hered' & assignatis suis p̄dict̃ maner̃, tenementa, redd', & liber̃ piscar̃ cum pertiñ, ac aduocac' prædict' contra omnes homines imperpetuū. Et pro hac recognitione, remissione, quiet̃ clam̃, warrant̃, fine, & concordia, idem R. dedit p̄dictis I. & V. xl. li.

A Fine by one de honore D. castro vicecomit' de S. cum hundred' insula de D. baronia de D. hundredo de D. burgo de D. vno feod' milit' de D. Scit', ambit' & precinct, of a monasterie, a manor, the scite of a manor, a graunge, a parke, a prebend, one capital messuage, mosses, tofts cottages, a douehouse a fulling mille, a water mille, a winde mille, and of diuers other things.

Sect' 50. HEc est finalis &c. Anno regni &c. coram &c. Iustic' & alijs domi- A
næ Reg. fidelibus tunc ibidem presentibus, inter I. A. quer̃ & M. B. deforc', De honore D. castro vicecomitat̃ de S. cum hundred' membris & pertinent̃ suis, Insula de D. Baronia de D. hundred' de D. burgo de D. vno feod' milit̃ in D. Scit̃, Ambit̃, & precinct' nuper Monasterij de D. manerio de D. cum pertiñ, Sit̃ manerij de D. grangia de C. parco de D. præbend' de D. vno capitali mes̃. 2. mess. 2. toftis, 2. cottag', 1. columb. 1. molendino fullonico, 1. molend' aquatico, 1. molend' ventritico, 1. molend' granat', 1. molend' bladar̃, 1. horreo, 1. gardiñ, 1. pomar̃ 10. acr̃ terre, 10. acr̃ prati, 20. acr̃ pasture, 4. acr̃ bosci, 40. acr̃ iampnor̃ & brūere, 30. acr̃ more, 50. acr' marisci salsi, 9. acr̃ marisci frisci, 30. acr̃ turbar', 9. acr̃ iuncar', 6. acr̃ alneti, 6. acr̃ mosseti, 4. acr̃ terr' aqua coopert̃ communia pastur̃ pro omnibus vel omnimod' animalibus, pro 100. ouibus, 10. equis, vaccis, porcis, spadonibus, &c. libera warrena, liber̃

bet̃ piſcat̃, libertate faldagij, libera falda, ciſio, ſalin̄, plumbat̃, aque ſalſe, puteo, viginti libr̃, 10. marcat̃ decem ſolidor̃, vno denario, vno obulo & quadrant̃ reddit̃.

B ✠ Ac reddit̃ vnius paris Chirothecarum, vnius par̃ calcarium deaurat̃, ſagitte barbate, vnius par̃ calceorum, vnius vomeris, 1. libre cere, 1. libr̃ piperis, 1. libre cumini, 1. claui gariophili, 1. roſe rube, 1. acus & fili, 1. quarterij frumenti, 1. quarter̃ ordei, 2. bracci caponū, 40. gallorū, 20. gallinarum, mille ouorum, & aucarum cum pertin̄ in D.

C Ac de communia paſture quam prædict' M.B. habet & habere ſolebat pro omnibus auerijs ſuis in centum acris paſture ipſius I.A. in D.

D Ac de omnibus vel omnimodis oblationibus, decimis granorum, garbarum, fœni, lanæ, lini, canabif. porcellorum, aucarum, agnellorum, &c. & alijs emolumentis quibuſcunque ſpectan̄, pertinen̄, creſcentibus ſiue exiſten̄ cum pertinentijs in D.

E Ac de theolonio, ſtallagio, picagio, pontagio, infra burgum de D. quodam corrodio vnius panis, vnius lagenæ ceruiſiæ pro omnibus hominibus in D.

F Et de gurgite & curſu aque current̃ a loco vocat̃ H. infra & per terr̃ vocat̃ K. ad molend' vocat̃ S.

G Wera ſiue veda in D. Ac de viſ. franc' pleg' libertate & franchefijs in D. Necnon de cuſtod' ſiue officio cuſtod' de B. cuſtod' parci & foreſte de D. Ac de officio Seneſchalciæ de D. Balliua ſiue officio balliuat̃ de D.

H Necnon de Nundinis de D. ſingulis annis ad feſta de N. M. ibidem tenend', Mercat̃ de D. quiet̃ ſiue libero paſſagio vltra de aquam D. Rectoria de D. aduocatione, preſentation̄, donatione, libera diſpoſitione, & iure patronat̃ Eccleſie de D. quadam porcione decimarum aut pencionum in D.

I Necnon de medietate manerij de D. cum pertin̄, & de tertia parte ten̄t̃ de C. in tribus partibus diuiſ. Excep̄t̃ & omnino reſeruat̃ patronagio vna cum aduocatione Vicariæ eccleſiæ de D. & Capell' eidē. Rectoriæ annex', ac oibus decimis granorum, viſ. franc' pleg', ac oibus que ad viſ. franc' pleg' pertinent, wardis, maritagijs, eſchaet̃, cattall' felonum, wauiat̃, extrahur̃, felon̄ fugitiuorum, vtlagat̃, attinct' cum terr̃ & tenemen̄t̃ vtlagat̃ & waiuat̃, quibuſcunq; ferijs, mercat̃, wrecc' maris, ac tot & tantis iuribus, iuriſdictionibus, priuilegijs, franchef. & libertat̃ teneñt̃ prædict', aut aliquod eorū concerneñ & eidem M. B. & heredibus ſuis vt de manerio de D. ſpectan̄.

K Vnde placitū conuentionis ſummonit̃ fuit inter eos in eadem Curia. Scilicet, quod prædict' M. recognouit prædict' honorem, caſtrum, vicecomitatū, Inſulam, baroniam, hundredum, burgum, feod' milit̃, ſcitum, manerium, parcum, prebend', tenemen̄t̃, reddit̃, communiam paſturæ, liberam,

liberam, warrenam, liberam piſcariam, libertatem ſaliñ, plumbarum, bullar̃, puteum, rector̃, decimas, oblationes, theoloneum, ſtallagium, picagium, pontagium, corrod', gurgitem, viſ. franc' pleg', libertates, franchef. cuſtod', officium ſeneſchall', balliuat̃, nundinas, mercatas, feriam, paſſagium, wreccum maris, medietatem & tertias partes cum pertineñ: Ac aduocationes, preſentationes, liberam diſpoſitionem, ius patronat̃, portionem, & pencionem prædictas eſſe ius ipſius I. Vt illa que idem I. habet de dono p̃d' M. Et ill' remiſ. & quet̃ clam̃ de ſe & heredibus ſuis præd' I. & hered' ſuis imperpetuum.

Et præterea idem M. conceſſ. pro ſe & hered' ſuis, quod ipſe warrant̃ præd' I. & hered' ſuis prædict' honorem, caſtrum, vicecomitatum, inſulam, &c. (*vt ſupra*) contra ſe & heredes ſuos imperpetuum. Et pro hac recognitione, fine, &c.

A Fine of a rent by an Earle and his wife.

Sect' 51. Nottingh. ff. PRæcipe I. Comiti H. & domine K. vxori eius Comitiſſæ H. quod iuſte & ſine dilatione teñ W. C. conuenc' &c. Te quadraginta libr' annui reddit̃ exeuntis de manerijs de E. &c. Et niſi &c. A

Et eſt Concordia talis, ſcilicet quod prædict' Comes & Comitiſſ. recognouerunt reddit̃ prædictum cum pertinentijs eſſe ius ipſius W. vt illa que idem W. habet de dono prædictorum Comitis & Comitiſſe. Et ill' remiſer̃ & quiet̃ clamauer̃ de ſe & heredibus ſuis præfat̃ W. & heredibus ſuis imperpetuum. Et preterea ijdem Comes & Comitiſſa concedunt pro ſe & heredibus ipſius Comitis, quod ipſi warrant̃ redd' p̃dict̃ cum pertiñ pref. W. & hered' ſuis contra omnes homines imperpetuū. Et pro hac &c. B

A Fine of the third part of a rent by the husband and wife.

Sect' 52. Suffolk. ff. PRæc' R. & I. vxori eius, quod teneant H. C. conuenc' &c. de tertia parte quinque libr̃ ſex ſolid' & octo denar̃ reddit̃ cum pertinentijs exeun̄ de manerijs de K. Et niſi &c. A

Et eſt concordia talis ſcilicet quod præd' R. & I. recognouer̃ tertiam partem prædict' cum pertiñ eſſe ius ipſius H. vt ill' quam idem H. habeat de dono præd' R. & I. Et ill' remiſer̃ & quiet̃ clamauer̃ de ſe & heredibus ipſius I. pref. H. & hered' ſuis imperpetuum. Et præterea ijdem R. & I. conceſſer̃ pro ſe & heredibus ipſius I. quod ipſi warrant̃ pref. H. & hered' ſuis predictam tertiam partem cum pertineñ contra omnes homines imperpetuum. Et pro hac &c. B

A Fine

A Fine of a perſonage exceeding the aduowſon of the vicarage of the ſame parſonage.

A PRæc' &c. Coñ &c. de Rectoria de T. cum pertiñ, excepť Aduocatione vicar' eccleſiæ de T. Et niſi &c. Sect' 53.

B Et eſt &c. quod prædict' A. recogñ Rectoriam præd' cum pertiñ (excepť præexcepť) eſſe ius &c. Et ill' remiſ. &c. (excepť præcepť.) Et præterea idem &c. conceſſ. pro ſe &c. quod ipſe warrant' ꝑdict' &c. Rectoriam prædict' cum ꝑtiñ (excepť præexcepť) &c.

A writ of couenant brought by three againſt three of one manor, 10. meſuages, 8. cottages, and of land, meadow paſture, moore, and of rent.

A Ebor. PRæc' C. B. & F. vxori eius quod teñ E. D. & R. coñ &c. de manerio de S. cū pertiñ, ac de x. meſſuag', viij. cotag', CC. acr' terre, CC. acr' prati, 160. acr' paſture, 300. acr' more, & vj. s. redd' cū pertiñ in A. F. B. & C. Et niſi fecerint &c. Sect' 54.

A Concord with a Render for life to the husbād and the wife being the conuſors of parcel of manors and lands contained in the writ of Couenant, the remainder to the firſt and ſecond begotten ſonne of the conuſors in taile, and to the heires males, and for default of ſuch iſſue, then to the conuſors in general taile, and for default of ſuch iſſue then to the right heires of the conuſors for euer, with graunt and render of x. meſuages &c. reſidue of the ſame manor &c. to the ſaid conuſors.

A ET eſt Concordia talis, ſcilicet quod prædictus T. & F. recogñ maner', tenementa, & redd' prædict' cum pertiñ eſſe ius ipſius E. vt ill' que ijdem E. & R. habent de dono ꝑdict' T. & F. Et illa remiſer' & quiet' clam̃ de ipſis T. & F. & hered' ipſius F. pref. E. & R. & hered' ipſius E. imperpetuum. Et preterea ijdem T. & F. conceſſer' pro ſe & hered' ipſius F. quod ipſi warrant' manerium teñta, & redd' cum pertiñ pref. E. & R. & hered' ipſius E. contra ipſos T. & F. & hered' ipſius F. imperpetuū. Et pro hac recogñ &c. ijdem E. & R. conceſſer' pref. T. & F. maner' de S. pred' cūpertiñ ac x. meſuag', viij. cotag'. 20. acr' terr', 20. acr' prati, 160. acr' paſture, 300. acr' more, 6. ſolid' redditus cum pertiñ in A. & F. predictis, parcellas maner', tenementorum & redd' prædict'. Et ill' eis redd-
B der' in eadem curia. ✠ Habendum & tenendum pref. T. & F. pro termino vitæ ipſorum T. & F. & alterius eorum diutius viuent' abſq; impetitione alicuius vaſti. Et quod poſt deceſſum prædict' T. & F. & eorū alterius diutius viuent', prædict' ꝑcell' maner', teñtorū, & redd' præd' cum pertiñ remañ primogentio filio de corporibus prædict' T. & F. inter eos legitim̃ procreat' & hered' maſcul' de corpore prædict' primo-
C genit' filij & legitime procreat'. Tenend' &c. ✠ Et ſi nullus heres de corpore ipſius primogeniti filij fuer' legitime procreat', præd' parcell' Sect' 55.

maner',

manerĩ, teñtorũ, & reddit̃ pred' cum pertiñ remañ ſecundo genito filio de corpore p̃dict' T. & F. inter eos legitime procreat̃, & hered' maſcul' de corpore dicti ſecundi geniti filij legitime procreat̃. Tenend' &c.
✠ Et ſi nullus heres de corpore ipſius ſecundi geniti filij fuer̃ legitime D
procreat̃, tunc p̃d' parcell' manerĩ, teñtorum, & redd' prædict' cum pertineñ remañ hered' de corporibus p̃d' T. & F. inter eos legitiñ procreat̃. Tenend' &c. Et ſi nullus heres de corpor̃ ipſorũ T. & F. inter eos fuer̃ legitime procreat̃, tunc prædict' parcell' manerĩ, teñtorum, & redd' p̃d cum p̃tiñ remanerĩ inde rectis hered' ipſorum T. & F. imperpetuum. Tenend' &c. Et vlterius ijdem E. & R. conceſſ. præf. T. & F. decẽ meſſuag' &c. cum pertiñ in B. & C. præd' reſiduum p̃d' manerĩ teñtor̃ & redd' prædict'. Et ill' eis redd' in eadem Cur̃.

A Fine of one acre of land, homage, rent, and ſeruices.

Sect' 56. Saloꝑ. PRæcipe E. T. armig', quod teñ N. P. coñ de vna acr̃ terre, & A
quindecim ſolidos redd cũ p̃tiñ in G. & F. Et niſi &c.
Et eſt concordia talis, ſcz. quod præd' E. T. recognouit præd' acr̃ tre B
cum pertinentijs eſſe ius ipſius N. vt ill' quam idem N. habeat de dono præd' E. Et ill' remiſit & quiet̃ clam̃ de ſe & heredibus ſuis pref. N. & heredibus ſuis imperpetum. Et p̃d' E. conceſſit p̃f. N. præd' reddit̃ ſimul cum homagio & toto ſeruitio I. H. & heredum ſuorum de tot teñtis quot præd' E. prius tenuit de F. prædict'. Habend̃, percipiend̃, & gaudend̃ p̃d' reddit̃ ſimul cum homagio & toto ſeruitio præd' N. & hered' ſuis imperpetuum. Et præd' E. & hered' ſui warrant̃ pred' N. & hered' ſuis præd' acr̃ terre & redd' præd' cum pertiñ ſimul cum homagio & toto ſeruitio præd' (ſic vt dictum eſt) contra omnes homines imperpetuum. Et pro hac &c.

A Fine of a Manor and vij. knights fees, homages and ſeruices in the ſame manor, by the husband and the wife and others.

Sect' 57. INter H. W. & I. B. quer̃, & T. M. militem, & T. filium eiuſdem T. & E. A
vxorem eiuſdem T. filij, & W. M. deforc', de manerio de T. cum p̃tiñ, vnde placitum conuentionis ſumm̃ fuit inter eos in eadem curia, ſcilicet quod prædict' T. T. E. & W. recogñ prædict' manerium cum pertineñ eſſe ius ipſius H. vt illud quod ijdem H. & I. habeant de dono præd' T. T. E. & W. vna cum ſeptem feodis Militum in eodem manerio. Et conceſſer̃ prædict' H. & I. præd' maneriũ & feod' cũ pertiñ ſimul cum homagijs & õibus ſeruitijs M. W. & I. N. & hered' ſuorum, de tot teneñtis quot de p̃d' T. T. E. & W. prius tenuerunt in eodẽ Manerio. Et ill' eis reddider̃ in eadem cur̃. Habẽd' & tenend' ijſdem H. & I. & hered' ipſi⁹ H. de capital' dominis feodi illius per ſeruitia que ad præd' Manerium & feoda pertinent imperpetuum. Et preterea ijdem T. T. E. & W. conceſſe-

ceſſerunt pro ſe & hered' ipſius E. quod ipſi warrant̄ p̄d' H. & I. & hered' ipſius H. p̄dict' manerium & feoda cum pertinentijs ſicut p̄d' eſt, contra omnes homines imperpetuum. Et pro hac recognitione, conceſſione, warrantia, fine, & concordia, ijdem H. & I dederūt præd' T. T. E. & W. viginti libr̄ ſterlingorum.

An old fine in Frankalmoigne of the aduowſon of a Church, knowledged to a Priour and his Church before Iuſtices in Eire, in Anno 55. of King Iohn.

A HEc eſt finalis concordia facta in Cur̄ domini Regis apud Lincoln̄ in Octab. Sancti Mich. Anno regni Regis Henrici filij Regis Iohannis 55 coram R A. G. P. W. W. W. H. & I. O. Iuſticiarijs itinerantibus & alijs domini Regis fidelibus tunc ibidem preſentibus, inter I. D. petent̄, & Priorem de C. deforc', de Aduocac' eccleſie de D. cum pertinēt̄ijs vnde placitum conuenc' ſumm̄ fuit inter eos in eadem Cur̄, ſcz. qd' prædict' I. recognouit prædict' Aduocation̄ cum pertinen̄ eſſe ius ipſius Prioris & eccleſie ſue ſancte Marie de C. vt illa quam idem Prior & eccleſia ſua habent de dono W. filij W. anteceſſoris ipſius I. cuius heres ipſe eſt: Habend' & tenend' eidem Priori & ſucceſſoribus ſuis & eccleſiæ ſue prædict', de prædict' I. & heredibus ſuis in puram & perpetuam eleemoſinam, liberam & quiet̄, ab omni ſeruitio ſeculari & executione imperpetuum. Et prædict' I. & hered' ſui warrant̄, acquietabunt, & defend' eidem Priori & ſucceſſ. ſuis & eccleſ. ſue prædictam aduocationem cum pertin̄ &c. Et pro hac &c. idem Prior remitt̄ præd' I. ſingulis beneficijs & orationibus que de cetero fient in eccleſia ſua p̄dict' imperpetuum. Sect' 58.

A concord of one meſſuage &c. in the countie Palantine of Lancaſter.

A Lancaſter HEc eſt finalis concordia fact' in Curia dominæ Reginæ apud L. die lune in quinta ſeptimana quadrageſime, anno regni Eliz. dei gratia Anglie, Francie, & Hibernie Reginæ fidei defenſor̄ &c. 32. coram I. Clench tertio Baron̄ Scaccar̄ dn̄æ Reginæ, & F. R. vno Seruientium dn̄æ Reg. ad legem Iuſtic' domin̄ Reg. apud L. & alijs dictæ dn̄æ Reg. fidelibus tunc ibi preſentibus inter H. T. & R. H. quer̄, & W. C. gen̄ deforc', de vno meſuag' &c. cum pertin̄ in T. vnde placitū conuentionis ſumm̄ fuit inter eos in eadem curia, ſcz. quod prædictus W. recognouit &c. Sect' 59.

A leaſe for yeres by fine, if one of the conuſors liue ſo long, reſeruing a rent.

A Ebor. ſſ. PRæcipe F. T. & M. vxori eius, quod iuſte &c. ten̄ I. H. & K. vxori eius conuenc' &c. Sect' 60.

Et

Et eſt concordia &c, ſcz, qnod prædict' F. & M. conceſſ. p̄d' I. & K. tenemenť p̄dict' cum pertiñ. Habend' & tenēd' eidem I. & K. a feſto &c. quod erit in anno &c. complend', ſi prædict' M. tam diu vixerit. Reddend' inde ad feſta &c. per equales porciones ſoluend', durāte toto termino præd' &c. Et ſi contingat &c. *Quere* whether this be a good Leas at this day againſt iſſue in taile. B

A *Leaſe for yeres by fine of one meſſuage and free fiſhing, reſeruing a rent with a clauſe of diſtreſſe with a graunt of the reuerſion of the ſaid meſſuage and free fiſhing vnto one of the conuſors in fee.*

Ebor. ſſ. PRæcipe T. P. armig', & W. C. genť, quod iuſte &c. teñ I. W. & E. M. conuenc' &c. de vno meſuag' &c. cum pertiñ in H. & B. ac de libera piſcaria in aqua de B. Et niſi &c. A

Sect' 61. Et eſt concordia talis, ſcz. quod prædict' T et W. recognouer̄ tenemenť & liberam piſcariam præd' cum pertinentijs eſſe ius ipſius I. vt illa que idem I. & E. habent de dono p̄dict' T. & W. Et ill' remiſ. & quiet̄ clam̄ de ſe & hered' ſuis præfat' I. & E. & hered' ipſius I. imperpetuum. Et præterea ijdem T. & V. conceſſer̄ pro ſe & hered' ipſius T. quod ipſi warranť teñť & liber̄ piſcariam p̄dict' cum pertiñ pref. I. & E. & hered' ipſius I. contr̄ omnes homines imperpetuum. Et pro hac recognic', remiſſione quiet̄ clam̄, warranť, fine, & concordia, ijdem I. & E. conceſſer̄ præf. W. teñť & liber̄ piſcar̄ prædict' cum pertinentijs. Et ill' ei reddider̄ in eadem cūr. Habend' & tenend' tenemēta & liberam piſcariam prædict' cū pertiñ pref. W. & aſſignatis ſuis, a feſto ſancti Martini in hyeme vltimo preterito, vſque ad finem termini ſexaginta annor̄ extūc ꝓxim̄ ſequen̄ & plenarie complend'. Reddend' inde annuatim pref. I. & E. & hered' ipſius I. quendam annual' reddiť iij. li. vj. s. viij. d'. legalis monete Anglie, ad feſta S. Martini epiſcopi in hyeme & P. per equales porciones durant' terminos prædict' ſoluend'. Et ſi contingat præd' annual' reddiť iij. li. vj. s. viij. đ. aretro fore in parte vel in toto poſt aliquod feſtū feſtorum p̄dictor̄ quando vt prefertur ſolui debeat non ſoluť per ſpacium viginti dier̄, quod tunc bene liceat & licebit præf. I. & E. & hered' ipſius I. in tenemenť prædict' cum pertiñ intrare & diſtringere, diſtrictioneſque ſic ibidem capť & habitas licite aſportare, effugare, abducere, & penes ſe retinere, quouſque de prædict' annual' reddiť iij. li. vj. s. viij. d vna cum arreragijs eiuſdem ſi que fuerint ſibī plenarie fuerit ſatisfact' & perſoluť. Conceſſer̄ etiam prædict' I. & E. præf. T. tam reuerſionem tenementorum & libere piſcarie prædict' cum pertineñ, quam prædict' reddiť iij. li. vj. s. viij. d. ſuperinde reſeruať. Et illa ei reddider̄ in eadem curia. Habend' & tenend' tam reuerſionem tenementorum & liber piſcar̄ prædict' cum pertinentijs, quam prædict' reddiť iij. li. vj. s. viij. d. ſuperinde reſeruať prefať T. & hered' ſuis imperpetuum. Tenend' &c. *vt ſupra.* B

A *leaſe*

A leaſe for yeares by fine by one and his wife.

A Ebor. ſſ. PRæcipe C.& A.vxori eius,quod iuſte &c.teñ.W.S. et I.vxori eius, conuenc' &c. de &c, expreſſing the tenements &c. Sect.62.

B ¶Et eſt concordia talis,ſcz.quod præd' C. et A.recognouer teñt pdict' cum pertinentijs eſſe ius ipſius W. vt illa quæ ijdem W. et I. habent de dono prædict' C.et A. Et ill' remiſer & quiet clam de ſe & hæred' ſuis præfat W.et I.& hæred' ipſius W.imperpetuum. Et præterea &c.Et pro hac &c. prædict' W.et I. conceſſer teñta prædict' cum pertinentijs præf. C.et A. et ill' eis reddider in eadem cur.Habend' et tenend' tenemenr pdict' cum pertiñ præf. C.et A. & aſſignatis ſuis a feſto S.Mich.archangeli vltiñ præterito, vſque ad finem termini & pro termino xl.annorū tunc proxiñ ſequeñ et plenarie complend'.Et præterea ijdem W.& I.et hæredes ipſius W.warrant teñt prædict' cum ptinentijs prefatis C.et A. & aſſignatis ſuis,durante termino pdicto contra omnes homines,Et pro hac &c. *vt ſupra.*

A leaſe by fine made by tenant for life for xxi.yeares if ſhe liue ſo long,reſeruing a rent with a clauſe of diſtres, the reuercion graunted to the Conuſors and after the terme ended then to one P.for xxi.yeares, reſeruing a redde Roſe,and after the end of that terme the remainder to E. and M. in fee.

A Ebor. ſſ. PRæcipe I. P.genet & E.vxori eius,& R.L. armig', qd teñ I.M. conuenc' &c. Sect.63.

B ¶Et eſt concordia talis, ſcilicet quod cum prædict' I. P. et E. habent & tenent ſibi pro termino vitæ ipſius E.prædict' tenemenr & piſcar cū ptiñ, reuerſione inde poſt deceſſum ipſius E.W.T. & hæred' ſuis ſpectant ,ijdem I.P.et E. et R. conceſſer præfato I.M. pdict tenementa et piſcar cum ptinentijs: Habend' & tenend' eidem I.et aſſignatis ſuis to-
C ta vita ipſi' E. ✲ Et præterea prædict' I.P. & E.et R. warrant præfat I. M. & aſſignat ſuis tota & piſcar prædict' cum pertiñ ſicut dictum eſt contra prædict' I.P. & E.tota vita ipſius E. Et pro hac cōceſſ. warrant, fine,& concordia,idem I.M.conceſſit præfat R. tenement & piſcar pD dict' cum pertiñ,& illa ei reddidit in eadem curia. ✲ Habend & tenend' teñt & piſcar prædict' cum ptinentijs eidem R. pro termmo xxj. annorum proxiñ ſequeñ & plenarie complend', ſi eadem E, tam diu
E vixerit. ✲ Reddend' inde annuatim præfato I.M. & aſſign ſuis xiiij. libr ad feſta &c. per equales porciones annuatim ſoluend' tota vita ip-
F ſius E. ✲ Et ſi contingat &c. conceſſit etiam prædictus I.M. præfatis I.P.et E.reuerſionem teñtorum & piſcariæ prædict' cum pertinentijs, & redditum pdict' ſuperinde reſeruat,& ill' eis reddid' in eadem curia.

✠ Habend' & tenend' eiſdem I. F. et E. de capitalibus dominis feodi G
illius per ſeruitia quæ ad prædict' tenementa & piſcariam cum perti-
nentijs ptinent, tota vita ipſius E. ✠ Et poſt terminum illum finitum, H
tenemenť prædict' cum pertiñ integre remanebunt P. & aſſignať ſuis
pro termino xxj. annorum poſt feſtum Sancti Martini in hyeme prox.
futur̃ immediate ſequeñ & plenarie complend'. ✠ Reddend' inde I
annuatim præfatis P. & E. & hæred' ipſius P. toto termino prædict' vnã
Roſam rubeam ad feſtum S. Iohannis Bap. annuatim ſoluend' ſi peta-
tur. ✠ Et poſt terminum illum finitum, teneměta prædict' cum per- K
tiñ integre remanebunt præfať E. & M. & hæred' ipſius E. imperpe-
tuum, de capitalibus dñis feodi illius, per ſeruitia quæ ad prædict' te-
nementum pertinent imperpetuum.

A leaſe to the wife for xxi. yeares of two meſſuages, to commence after her husbands death, reſeruing a Rent, with a clauſe of diſtres, the Cognizees graunt backe the ſame reuerſion and rent to the Conuſors in fee.

Sect. 64. South. ſſ. PRæcipe C. C. armig. & D. vxori eius, & R. B. generoſ. A
quod teñ H. M. et C. M. conuenc' &c. de duobus meſuagijs cum pertiñ in parua S. Et niſi &c.

¶ Et eſt concordia talis, ſcilicet, quod prædict' C. et D. & E. recogñ B
tenementa prædict' cum pertinẽtijs eſſe ius ipſius H. vt ill' &c. Et ill' remiſer̃ &c. Et præterea &c. Et pro hac &c. prædict' H. et C. conceſſer̃
præfať R. tenemenť prædict' cum pertiñ. Et ill' ei redd' in eadem curia.
✠ Habend' et tenend' teñť prædict' cum pertinentijs præfať R. tota vi- C
ta ipſius R. & immediate poſt deceſſum ipſius R. tenementa prædict'
cum pertinentijs integre remanebunt M. vxori ipſius R. executoribus
vel aſſignẽ ſuis, pro termino xxj. annorum extunc proxiñ ſequeñ et
plenarie complend'. ✠ Reddend' inde annuatim præfať H. et C. et D
hæred' ipſius H. quandam annuitatem ſiue annual' redditum v. libr̃ le-
gal' monetæ Angl' ad feſta Sancti Martini Epiſcopi & Penť per e-
quales porciones annuatim duranť eodem termino ſoluend', prima
ſolutione inde incipiend' ad proxiñ feſtum feſtorum prædictorum
poſt deceſſum prædict' R. ✠ Et ſi contingat prædict' annuiť ſiue E
annual' reddiť quinque libr̃ aretro fore &c. Conceſſ. etiam prædict'
H. et C. præfať C. C. et D. tam reuerſionem tenementorum cum per-
tinentijs, quam prædict' reddiť v. libr̃ ſuperinde reſeruať. Et ill' qis
reddiderunt in eadem curia: Habendum, tenendum, & percipiend'
prædict' reuerſioñ tenementorum prædictorum cum pertinentijs &
redditum prædictum præfať C. C. et H. & hæredibus ipſius D. imper-
petuum.

I. R. be-

I. R. being tenant in generall taile in poſſeſſion the reuercio in fee to C. and T. the ſame C. and T. by fine graunt the lande to M. and E. and the ſaid M. and E. render the ſame againe to the ſaid T. Habendum from a certaine feaſt next after the death of the ſaid I. without heires of his bodie, for the terme of 1500. yeares, reſeruing i. d' rent, and after the end of the terme to P. T. one of the ſonnes of the ſaid T. for euer.

A Ebor. ſſ. PRæcipe &c. C. N. et T. T. quod teñ M. B. et E. D. con- Sect. 65.
uenc' &c. de &c. Et niſi &c.

B ¶ Et eſt &c. quod cum I. R. habet & tenet ſibi & hæred' de corpore
ſuo legitime procreat tenement' p̃d' cum pertiñ remañ inde poſt de-
ceſſum ipſius I. ſi idem I. obierit ſine hærede de corpore ſuo legitime
procreat', præfat' C. & hæredibus ſuis, ſpectañ, ijdem C. & T. conceſſer
teñta prædict' cum pertineñ prædict' M. & E. & hæred' M. imperpe-
C tuum. ✻ Tenend' &c. Et prædict' C. & hæred' ſui warrant' præf. M. et
E. & hæred' ipſius M. tenement' prædict' cum pertinentijs ſicut præ-
D dictum eſt, contra omnes homines imperpetuum. ✻ Et pro hac con-
ceſſione, reddition', warrant', fine, & concord', ijdem M. & E. conceſſer
E prædict' T. tenement' prædict' cum pertineñ. Et ill' ei redd' &c. ✻ Ha-
bend' &c. eidem T. & aſſignñ ſuis, a feſto S. Martini in hyeme prox. poſt
deceſſum prædict' I. ſi idem I. obierit ſine hærede de corpore ſuo legi-
time procreat', vſque finem termini & pro termino mille & quingent'
annorum extunc proxim̃ ſequeñ & plenarie complend', abſque impe-
F titione alicuius vaſti. ✻ Reddend' inde annuatim præfat' M. et E. et
hæred' ipſius M. vnum denar' ad feſtum &c. annuatim ſoluend' toto
termino prædict' ſi petatur. Et poſt terminum illum finitum, prædict'
tenementa cum pertiñ integre remañ P. T. vni filiorum prædict' T. et
hæred' ipſius P. imperpetuum &c. *vt ſupra.*

A leaſe of a meſſuage by fine for yeares, to beginne at a time to come, with a clauſe of diſtres.

A North. ſſ. PRæcipe A. B. & E. vxori eius, quod teñ C. D. conuenc' Sect. 66.
&c. de vno meſuag' &c.

B ¶ Et eſt concordia talis, ſcilicet quod prædict' A. B. & E. conceſſ.
tenement' prædict' cum pertinentijs præfat' C. D. et aſſignatis ſuis. Et
illa in eadem cur' præf. C. D. reddider': Habendum & tenend' eidem
C. D. a feſto Pentec' quod erit in anno domini 1597. vſque finem
termini viginti vnius annorum extunc proxim̃ ſequeñ & plenar' com-
plend': Reddend' inde annuatim præf. A. B. & E. et hæred' ipſius E.
ſeptem libr' legalis monetæ &c. ad feſta S. Martini Epiſcopi in hyeme,
N. A. P. æquis porcionibus annuatim durante termino prædict' ſol-
uend', Et pro hac &c.

A leaſe of one meſſuage &c. to diuerſe for ninetie yeares, if the leſſee, his wife, and 2. others liue ſo long reſeruing a Rent, and the beſt Beaſt after the death of euery tenant in name of an Heriot, with a clauſe of diſtres for the ſame Rent and Heriot, and after graunteth the reuercion to the leſſor and his wife in fee.

Sect. 67. Lond. ſſ. PRæcipe I.R. armig' & M. vxori eius & T.B. quod teñ A
R.C. & V.C. conuenc' de vno meſuagio &c.

¶ Et eſt concordia talis, ſcilicet, quod prædict' I.M. et T. recogñ te- B
nementa prædict' cum pertineñ eſſe ius ipſius V. vt ill' &c. cum relaxatione et warrantia. Et pro hac &c. ijdem R. et V. conceſſer̃ præfat̃ T. B. prædict̃ tenementa cum pertiñ. Et ill' ei reddiderunt in eadem curia: Habend' & tenendū eidem T. et aſſignñ ſuis, a feſto Natalis domini proximñ futur̃, vſq; ad finem termini nonaginta annorū tunc, proximñ ſequeñ et plenarie complend', ſi ijdē T. et I. vxor eius, B. B. et T. B. filij ipſius T. tam diu vixerint, aut eorum aliquis tam diu vixerit. ✻ Red- C
dend' inde annuatim p̃dict. R. et V. et hæred' ipſius V. quatuor libr̃ legalis monetæ Angliæ, ad feſta Annunciationis beatæ Mariæ virginis, Natiuit̃ Sancti Ioh. Bapt. S. Michaelis archang. et Natiuitatis dñi, per æquales porciones annuatim ſoluend' toto termino prædict', ac ſoluend̄ poſt deceſſum T. B. patris, et poſt deceſſum cuiuſlibet inde tenẽtis ſuum optimū animal nomine herior̃. ✻ Et ſi contingat prædict̃ red- D
dit̃ iiij li. aretro fore in parte vel in toto poſt aliquod feſtum feſtorū p̃dictor̃ quo vt p̃fertur ſolui debeat non ſolut̃, aut ſi contingat p̃dict̃ optimū animal nomine herior̃ vt præfertur ſoluend. poſt deceſſum cuiuſlibet tenentium præmiſſor̃ fore inſolut̃ aut ſubtract. ✻ Quod tunc be- E
ne licebit prædict. R. et V. et hæred. ipſius R. in præd' tenementa cum pertinentijs intrare et diſtringere, diſtrictioneſq; ſic ibidem capt̃ et habitas licite abducere, aſportare, et effugare, ac penes ſe retinere, quouſq; de prædict' reddit̃ iiij. li. et arreragijs eiuſdem (ſi quæ fuerint) vna cum optimo animali prædict' quando contigeret plenarie fuerint ſatisfact̃ et perſolut̃. ✻ Conceſſer̃ etiam prædict' R. et V. prædict' I. et F
M. reuerſionem tenemẽtor̃ prædictor̃ cum pertinentijs & prædict̃ reddit̃ iiij. li. ac prædict̃ reddit̃ optimi animalis nomine hæriotti ſuperius reſeruat̃. Et ille eis reddider̃ in eadem curia. Habendum & tenend' eis dē I. & M. & hæred' ipſius I. et M. & hæred' ipſius I. de capital' dominis feod' ill' imperpetuum &c.

A leaſe for yeares to one of the Conuſors of one meſſuage &c. reſeruing Rent, with a Nomine pene, and a diſtreſſe, for the rent and paine, with a graunt of the reuercion to one of the Conuſors and his wife in generall tayle.

Sect. 68. Midd. ſſ. PRæcipe E.P. armig' & M. vxori eius, & R.B. quod te- A
neant I.R. & T.S. conuenc' de vno meſuag. &c.

¶ Et

B ¶ Et eſt concordia talis ſcilicet quod prædicti E.P. & M.& R.B. recogñ tenementa prædict' cum pertineñ eſſe ius ipſius I.vt ill' quæ ijdē I.& T.habēt de dono prædictoꝝ E.M.& R. (cum relaxac' & warrant.) Et pro hac &c.ijdem I.& T.conceſſ.præfat R.tenemēta p̄dict' cum p̄tinentijs,Et ill' ei reddidēr in eadē curia: Habend' & tenend' eidem R. a feſto Sancti Mich. vltimo præterito pro termino triginť & vnius an-
C norum extunc proxim̄ ſequeñ & plenarie complend'. ✲ Reddend' inde annuatim prędict' I.& T.& hęred' ipſius I. viginti libr̄ legalis monetæ Angliæ, ad duos anni terminos, viz. ad feſtum Annunciationis beatæ Mariæ virginis & Sancti Michaelis archang' per æquales por-
D ciones annuatim ſoluend' toto termino prędicto. ✲ Et ſi contingat prædict' reddit̄ xx.li aut aliquā inde parcellam aretro fore in parte vel in toto poſt aliquod feſtum feſtorum p̄dictorum quo vt præfertur ſolui debeat non ſoluť per ſpacium quadraginta dierum, quod tunc forisfaciet prædictus R.prædictis I.& T.& hæred' ipſius I.v.li.nomine penæ, & qđ tunc & toties bene licebit præd' I.& T.& hæred' ipſius I. in prædict' tenementa cum pertinentijs intrare & diſtringere,diſtrictioneſq; ſic ibidem capt̄ & habitas licite abducere,aſportare,effugare,ac penes ſe retinere,quouſq; tam de prædict' xx. li. quam de prædict̄ quinque libr̄ nomine penæ,vt præfertur forisfact̄ cum arreragijs earum (ſi quæ fuerint) plenarie fuerit ſatisfact̄ & perſoluť. ✲ Conceſſer̄ etiam præ-
E dict' I. & T.prædict' E. & M. prædict' tenementa cum pertinentijs, ac præd' reddit̄ xx.li. ſuperinde reſeruat̄, ac prædictam ſummam quinq; librarum nomine penæ. Et illa eis reddidēr in eadem curia. Habend' & tenendum eiſdem E. & M. et hæred' de corpore ipſius E. legitime procreat̄. Tenend' &c. Et pro defectu talis exit̄ remañ inde W. W. & hæredibus ſuis imperpetuum Tenend' &c.

A Fine with graunt and render of the moitie of a maner to the Conuſor for terme of life without impeachment of waſt, and for ſixteene yeares after her death, then the one moitie of the ſame moitie, to one in fee, and thother moitie of the ſaid moitie to an other in fee.

A Ebor. ſſ. PRæcipe E.A. vid' nuper vxori W.A. Mil' defunct' qđ Sect.69.
teñ T.F. conuenc' de medietate manerij de H.&c.

B ¶ Et eſt concordia talis, ſcz. quod cum E.A. recogñ &c. Et pro hac &c. idem T.F. conceſſit præfat̄ E.A. medietatem præd' cum pertinentijs. Et ill' ei reddidit in eadem curia: Habend' & tenend' prædict' medietatem manerij &c. prędict' E.A. pro termino vitæ ſuę ipſius E. abſq; impetitione alicuius vaſti de capitalibus dominis feodi illius per ſeruitia quæ ad p̄dict' medietatem pertinent tota vita ipſius E.& pro termino ſexdecim annorum extunc prox' ſequeñ poſt mortē prædict' E. Et poſt mortem prædictæ E. & poſt præd' termiñ ſexdecim annorū finitum & determinat̄, quod tunc vna medietas p̄dict' medietatis manerij

præd' &c. cum pertinentijs remañ B. G. modo vxori G. armig', et hæred' ipsius B. Tenend' de &c. Ac altera medietas præd' medietatis manerij &c. præd' cum pertineñ remañ E. G. modo vxori N. G. & hæred' ipsius E. Tenend' de capitalibus &c.

A Render of three messuages to one of the Conusors for life, the remainder to one and his heires males, the remainder to an other and his heires for euer.

Sect. 70. Eſſex. PRæcipe N. A. & W. A. quod teñ R. C. & T. C. conuenc' A de tribus messuag'.

¶ Et pro hac &c. ijdem R. & R. concesserẽ præf. W. tenementa p̃dicta B cum pertinentijs. Et ill' ei reddiderẽ in eadem cur̃ : Habend' & tenend' eidẽ W. & assignã suis. Tenend' de capitalibus dñis feodi illius per seruitia quæ ad prædict' tenemẽta cnm ptineñ pertinent, tota vita ipsius W. Et post decessum ipsius W. eadem teñta cum pertinentijs integre remanebunt I. C. & hæred' masculis de corpore ipsius I. legitime procreat̃. Tenend' &c. Et si nullus hæres sit de corpore ipsius I. legitime procreat̃, tunc eadẽ tenemẽta cum pertineñ integre remañ I. C. fratri prædicti I. & hæredibus suis imperpetuum. Tenend' &c.

An estate for life to the Conusor and after this death to one I. W. whom the Conusor intendeth to take to his wife for her life in the name of a ioincture, and after her death to the heires males of the body of the Conusor.

Sect. 71. ET est concordia talis &c. Et post decessum ipsius I. prædict' &c. A cum pertiñ integre remanebunt I. W. filiæ I. W. nomine iuncturæ, quam (deo dante) idem I. C. ducet in vxorem. Tenend' de capitalibus &c. tota vita ipsius Ia. & post decessum ipsius Ia. prædict' &c. cum pertinentijs integre remaneb. hæred' masculis de corpor̃ p̃dict' I. C. legitime procreat̃. Tenend' de capitalibus dominis &c.

A Fine of diuers manors, messuages, and rent, the which the Conusor do render againe to the Conusors, to the vse of the wife of the Conusor for her life.

Sect. 72. Ebor̃. ff. PRæc' T. C. armig', W. R. aī, T. P. aī, & L. B. geñ, qđ &c. A teñ I. D. & E. vxori ei' cõuenc' de manerijs de C. N. & E. cum ptiñ, ac de ducentis mess. &c. et de x. libr̃ reddit̃ cum pertiñ in C. N. et B. Et nisi &c.

¶ Et est concordia talis, scilicet quod prædicti T. C. W. R. T. P. & I. B recogñ maneria, tenementa, & reddit̃ prædict' cum pertinentijs esse ius ipsius I. Et ill' remiserẽ & quietũ clam̃ de se & hæredibus suis præf. I. & E. & hæredibus ipsius I. imperpetuum. Et pro hac &c. ijdem I. & E. concesserẽ prædictis T. C. W. R. T. P. & L. prædict' maneria, tenementa, & reddit̃ cum pertinẽtijs, & ill' eis reddiderẽ in eadem curia. Habẽdum & tenendum eisdem T. C. W. R. T P. & L. tota vita ipsius E. & prædict' I. & hæred' sui warrant̃ prædictis T. C. W. R. T. P. & L. p̃dicta maneria,

tenementa

tenementa & redd' cum pertiñ ſicut dictum eſt contra omnes homines durañ vita prædict' E.&c.

A Fine of meſſuages, cottages, land, medow, paſture, wood, heathe, linge, rent of a Parſonage & of the aduowſon of a Church.

A HEC eſt finalis concordia facta in Curia dñæ Reginæ apud W. a die P. in quindecim dies, Anno regni Elizab. dei gratia A. F. & H. Reginæ fidei defenſoris &c. a conqueſtu viceſimo quarto, coram E. A. T. M. F. W. W. P. Iuſtic' & alijs dominæ Reg. fidelibus tunc ibi præſentibus, inter I. B. geñ & R. C. generoſ. quærent, & R. C. ſenioreñ armigeñ, & R. C. de Graies Inne in comitatu Midd' generoſ. deforc' de centum meſſuagijs, centum cotagijs, duobus millibus acr̃ terræ, mille acr̃ prati, duobus millibus acr̃ paſturæ, centum acr̃ boſci, mille acr̃ iampnorum & brueræ, & centum ſolidis reddit̃ cum pertiñ in &c. Necnon de Rectoria de K. cum ꝑtinentijs: Ac de aduocatione Eccleſiæ de K. vnde placitum conuenc' ſumm̃ fuit inter eos in eadē curia, ſcilicet qd̃ ꝑdict' R. & R. recognouerunt prædicta tenementa, redditus, & rectoriã cum ꝑtinentijs, ac aduocationem ꝑdictam eſſe ius ipſius I. vt illa quæ ijdem I. et R. habent de dono prædictoñ R. et R. Et ill' remiſeñ & quiet̃ clamaueñ de ipſis R. & hæredibus ſuis ꝑdict' I. et R. et hæred' ipſius I. im- Sect. 73.

B perpetuum. ✻ Et prꝛterea ijdem R. et R. cõceſſerunt pro ſe & hæredibus ipſius R. C. ſenioris, quod ipſi warrant̃ prædictis I. et R. et hꝛedibus ipſius I. ꝑdict' teñta, reddit̃, et rectoriã cum ꝑtineñ ac aduocationem ꝑdict' cõtra ꝑdict' R. & R. & hꝛed' ipſius R. C. ſenioris imꝑpetuũ.

C ✻ Et pro hac recogñ, remiſſione, quiet̃ clamac', warrant̃, fine, & concordia, ijdē I. et R. dederunt ꝑd' R. et R. duo mille libr̃ ſterlingorum.

A Fine by the husband and his wife of the lands of the wife, with graunt and render of the 4. parte of 2. meſſuages, 4. toftes, two gardens, two orchards, 200. acres of land, 20. acres of medow, 40. acres of paſture, 12. acres of wood, and 100. acres of moore in 4. partes deuided, the Conuſors do graũt the ſame againe to the Conuſees for their liues, without impeachmẽt of waſt, and after their deaths to one of their ſonnes in generall taile, & for default of ſuch iſſue, then to one other of the conuſees ſonnes in generall taile, & for default of ſuch iſſue, then to the 3. ſonne of the conuſees in generall taile, and for default of ſuch iſſue to the right heires of the wife of the Conuſor for euer.

A HEC eſt finalis cõcordia facta in Curĩ dominæ Reg. apud Weſtiñ in Octab ſancti Mich. Anno regni Eliz. dei gratia Angl' Franciæ & Hiberñ Regiñ fidei defenſ. &c. a cõqueſtu xxxvj. corã R. A. T. W. R. W. & T. L. Iuſtic' et alijs dñæ Reginæ fidelibus tunc ibidem præſentibus, inter G. I. et W. W. queř, et I. C. & I. vxorem deforc', de quarta parte 2. meſſuagiorum, 4. toftoñ, 2. gardinoñ, 2. pomar̃, ducent̃ acr̃ terꝛ, 20. acr̃ prati, 40. acr̃ paſturæ, 12. acr̃ boſci, & 100. acrar̃ more cum Sect. 74.

pertineñ in G. & L. in quatuor partes diuiſ. vnde placitũ conuentionis ſumm̃ fuit inter eos in eadẽ Curia, ſcilicet quod prædict' I. & I. recogn̄ prædictã quartam partẽ cum ptin̄ eſſe ius ipſius G. vt illam quam ijdẽ G. & W. habent de dono prædict' I. & I. Et illam remiſ. & quiet̃ clam̄ de ipſis I. & I. & hæred' ipſius I. prædict' G. & W. & hæred' ipſius G. imperpetuum. Et pr̃terea ijdem Io. & Ia. conceſſerunt pro ſe & hęred' ipſius Ia. qd' ipſi warrant̃ prædict' G. & W. & hæred' ipſius G. prædict' quartam partem cum pertin̄ contra p̃dict̃ I. & I. & hęred' ipſius Ia. imperpetuum. ✲ Et pro hac recogn̄ &c. ijdem G. & W concedunt p̃dict' I. & I. p̃dict' quartam ptem cum pertinentijs. Et ill' eis reddidet̃ in eadem cur̃: Habend' & tenend' eiſdem I. & I. de capitalibus dn̄is feodi illius per ſeruitia quæ ad p̃dict' quartam partẽ pertinent tota vita ipſorum I. & I. & eorum alterius diutius viuent̃ abſq; impetitione alicuius vaſti. Et poſt deceſſum ipſorum I. et I. prædict' quarta pars cum pertinentijs integre remañ B. C. filio prædictorum I. & I. & hæred' de corpore ipſius B. legitime procreat̃. Tenend' de capitalibus dn̄is feodi illius &c. imperpetuum. ✲ Et ſi contingat quod idem B. obierit ſine hæred' de corpore ſuo legitime procreat̃, tunc poſt deceſſum ipſius B. p̃dict' quarta pars cum pertineñ integre remañ P. C. al' fil' prędict' I. & I. & hæred' de corpore &c. Tenend' de capitalib⁹ &c. imperpetuum. ✲ Et ſi contingat qd' idẽ P. obierit &c. tunc poſt deceſſum ipſius P. p̃d' quarta pars integre remañ R. C. al' fil' p̃dictor̃ I. & I. & hæred' de corpore &c. Tenend' de capitalibus &c. imperpetuum. Et ſi contingat qd' idem R. obierit &c. tunc poſt deceſſum ipſius R. prædict' quarta pars cum pertin̄ integre remañ rectis hæred' prędict' Ia. Tenend' de capitalibus dn̄is feodi illius, per ſeruitia quæ ad prædict' quartam partem pertinent imperpetuum &c.

A fine of one meſſuage and of a 3. parte of 4. meſſuages in 3. partes deuided, part in poſſeſſion, and part in reuerſion, of a third part for terme of the life of the tenant in Dower, and for terme of the life of an other tenant for terme of life.

Sect. 75. **Ebor. ſſ.** PRæcipe I. W. & A. vxori eius, quod iuſte &c. teñ I. E. & E. E. conuenc' de vno meſſuag' &c. necnon de tertia parte in tres partes diuidend' quatuor meſſuag' cum pertineñ &c. A

¶ Et eſt cõcordia talis, ſcilicet quod p̃dict' I. et A. recogn̄ tenementa prædicta ac tertiam partem prædict' cum pertinentijs eſſe ius ipſius I. de quibus ijdem I. E. et E. E. habeant vnum meſſ. cum pertin̄ in prædictis vill' de T. & B. parcell' tenementorum prædictorum, ac prædict' tertiam partem quatuor meſſuag' &c. cum pertinentijs in T. et B. parcell' tenementorum p̃dictor̃ de dono prædictor̃ I. & A. Et ill' remiſer̃ & quiet̃ clamauer̃ de ipſis I. & A. & hæredibus ſuis præfat̃ I. E. & E. E. B

&

& heredibus ipſius I. imperpetuum. Et conceſſer̃ pro ſe & hered' ipſius A. quod viginti acr̃ terr̃, ſex acr̃ prati, &c. cum pertiñ in prædict' villa de B. parcell' tenementor̃ & tertia pars præd' que I. A. & F. vxor eius tenent ad terminum vite ipſius E. de hereditate pred' A. die quo hec concordia facta fuit. Et que poſt deceſſum ipſius E. ad prædict' I. A. & heredes ſuos debuer̃ reuertere poſt deceſſū ipſius A. integre remaneant p̃d' I. & E. & E. E. & hered' ipſius I. imperpetuum. ✻ Conceſſer̃ etiam p̃dicti I. W. & A. pro ſe & hered' ipſius A. quod vnum meſuag' cum pertineñ in prædict' vill' de B. reſiduum tenementorum prædict' que I. A. tenet ad terminum vitæ ſuæ de hereditate prædict' A. die quo hec concordia facta fuit, poſt deceſſum ipſius A. integere remaneat prædictis I. E. & E. & hered' ipſius E. imperpetuum.

A *Fine with graunt and render of the moity of a manor, reciting that a widow hath the ſame for her life without impeachment of waſt, and after her death to her executors for 16. yeres without impeachment of waſt, and after her death and the end of 16 yeres, to two and to their wiues, and to the heires of the wiues, and after the husbands and their wiues, grannt the ſame to the tenant for life in fee, who graunteth the ſame after the end of the ſaid 16. yeres vnto the conuſors for terme of 21. yeres without impeachment of waſt.*

A Ebor. ſſ. PRæcipe N. G. & E. vxori eius, W. G. & B. vxori eius, qd' teneant F. A. conuenc' de medietate manerij de H. cum pertineñ &c.

¶ Et eſt concordia talis, ſcilicet quod cum E. A. vidua nuper vxor W. A. defuncti, habet & tenet prædictam medietatem manerij de H. cum pertiñ, Ac prædictam medietatem tenementorum & piſcarie prædict' cum pertineñ ad terminum vitæ ſuæ abſque impetitione alicuius vaſti. ✻ Et quod poſt mortem eiuſdem E. prædicta medietas manerij tenementorum & piſcarie prædictorum remaneant executor̃ teſtamenti eiuſdem E. ad terminum ſexdecem annorũ tũc prox' ſequeñ poſt mortem ipſius E. abſque impetitione vaſti. Et que poſt mortem prædictæ E. A. ad terminum prædictorum ſexdecem annorum ad N. G. & E. vxor̃ eius, & W. G. & B. vxor̃ eius, & hered' dictorum E. & B. reuertere deberent. Prædict' W. G. & B. vxor eius, N. G. & E. vxor eius, concedunt quod dicte medietates dictorum maneriorum, teñtorum, & piſcarie cũ pertiñ poſt mortem prædictæ E. A. & poſt prædict' terminum xvj. annorum finitum & determinat̃ integre remaneãt pref. F. A. & heredibus ſuis. ✻ Tenend' de capital' dñis feod' ill', per ſeruitia quæ ad prædict' medietat̃ dictorũ manerij, tenement̃, & piſcar̃ cum pertineñ ptinent. Et ill' remiſ. & quiet̃ clam̃ de ipſis W. G. & B. vxor̃ eius, N. G. & E. vxori eius, & hered' ſuis prefat̃ F. A. & hered' ſuis imperpetuum. ✻ Et preterea

Sect' 76.

ijdem

ijdem W.G.& B.N.G.& E.conceſſer̃ pro ſe & hered' ipſius N.quod ipſi warrant̃ prædict' reuerſionem medietatis dictorũ manerij, ten̄torum, & piſcarie cum pertinentijs prefat̃ F. A. & hered' ſuis contra ipſos W. G. et B. N. G. et E. et heredes ſuos imperpetuum. Et pro hac &c. idem F. conceſſit prefat̃ W. G. & B. N. G. & E. prædict' reuerſionem medietatis manerij, ten̄torũ, & piſcar̃ prædict' cum pertineñ. Et ill' eis reddider̃ in eadem cur̃. ✻ Habend' & tenend' eandem reuerſionem medietatis F
manerij, ten̄torum, & piſcarie prædict' cum pertiñ dictis W.G. & B.N. G.& E. a feſto Apoſt' Phil' & Iacobi quod tunc proxerit poſt finē dictorum ſexdecem annorum, vſque ad finem & terminum xxj. annorum extunc proxiñ ſequeñ et plenarie complend', abſque impetitione alicuius vaſti.

A Render of meſſuages &c. to the cogniſor for one weeke, after to a ſtraunger for life, and to his wife for life, if ſhe keepe her vnmaried, the reuerſion to an other ſtraunger and his heires of his body vpon M. his wife begotten the Remainder to an other and his heires.

Sect' 77. Ebor̃. ſſ. PRæcipe I. W. et E. vxori eius, quod ten̄ W.M. & O.S. conuenē de duobus meſſuag' &c. in S. Et niſi &c. A

¶ Et pro hac &c. ijdem W. et O. conceſſerunt prefat̃ I. tenementū prædict' cum pertineñ. Et ill' ei reddider̃ in eadem curia: Habend' et tenend' eidem I. pro termino vnius ſeptimanæ. Et poſt terminum illum finitum, predict' tenement cum pertiñ integre remanebũt B. Habend' et tenend' eidem B. de capitalibus dominis feodi illius per ſeruitia quæ ad prædict' ten̄t pertineant, tota vita ipſius B. Et poſt deceſſum ipſius B. præd' ten̄ta cum pertiñ integre remañ I. vxori predicti B. ✻ Tenend' &c. tota vita C
ipſius I. ſi eadem I. tam diu ſola et innupta vixerit. Et poſt deceſſum ſiue ſponſalia ipſius I. ſi que fuerint, prædict' ten̄ta cum pertiñ integre remañ E. W. filio et heredi apparenti prædict̃ I. et hered' de corpore ipſius E. de corpore M. vxori eius inter eos legitime procreat̃. Tenend' &c. Et ſi contingat quod idem E. obierit ſine herede de corpore ſuo de corpore præd' M. inter eos legitiñ procreat̃, tunc poſt deceſſum ipſor̃ E. et M. tenementa predict' cum pertineñ integre remañ predict' I. et hered' ſuis. Tenend' &c. imperpetuum.

A Fine of two reuerſions of ij. meſſuages, one cottage &c. after the deathes of the two tenants for life.

Sect' 78. Ebor̃. ſſ. PRæcipe R.N.& A. vxori eius, quod ten̄ G.E. conuenē' &c. de duobus meſuag', vno cotag' &c. in N. A

¶ Et eſt concordia talis, ſcilicet quod prædict' R. et A. recogñ tenementa prædict' cum pertineñ eſſe ius ipſius G. et conceſſit pro ſe et heredibus B
ipſius

ipſius R. quod prædict cotagium, viginti acr terr, decem acr prati &c. p-cell' tentorum prædictorum cum pertinentijs in N prædict, que W. B. et A. vxor eius tenent ad terminum vite ipſius A. de hereditate predict R. die quo hec concordia facta fuit, et que poſt deceſſum ipſius A. ad prædict' R. et heredes ſuos debuerunt reuert, integre poſt deceſſum ipsius A. ad p-
C dictum G. et heredes ſuos remaneant. Tenend' &c. ✠ Conceſſerunt etiam prædicti R. et A. quod prædict ij. meſſuag' &c. residua tenementorum prædictorum cum pertinentijs in N. prædict', quæ W. P. et D. vxor eius tenent ad terminum vitæ ipsius D. de hereditate &c. (*vt antea.*) Et præterea prædict R. et A. et heredibus ipsius R. warrant tenementa prædicta cum pertinentijs prefato G. et heredibus ſuis ſicut dictum eſt, contra prædictos R. et A. et heredes ipſius R. imperpetuum. Et pro hac &c.

A *Graunt to the cogniſee and his wife, and the heires of their two bodies, with warranty in taile.*

A Ebor. ſſ. PRæcipe H. F. gen, quod iuſte &c. ten H. W. et I. vxori e- Sect 79.
ius conuenc' &c. de tentis in S. Et niſi &c.

B ¶ Et eſt concordia talis, ſcilicet quod prædict H. F. conceſſit tenement et reddit prædict cum pertinentijs prefat H. W. et I. Et ill' eis reddidit in eadem curia: Habend' et tenend' eiſdem H. W. et I. et heredibus de corpor ipſorum H. W. et I. inter eos legitime procreat. Tenend' &c. Et prædictus H. F. et heredes ſui warrant præſatis H. W. et I. et heredibus de corpore ipſorum H. W. et I. inter eos legitime procreat tenement prædict ſicut dictum eſt, contra omnes homines imperpetuum. Et pro hac &c.

A *graunt with a render backe againe for life, without impeachment of waſt, diuers remainders in taile diuiding the lands.*

A Heref. ſſ. PRæcipe N. B. et A. vxori eius, quod ten T. R. et R. G. Sect 80.
conuenc' &c. de vno meſuag' cum pertin in E. &c.

B ¶ Et eſt concordia talis, ſcilicet quod prædict &c. cum relaxac' et warrant &c. Et pro hac &c. ijdem T. R. conceſſer prefato N. et A. tenement prædict cum pertinentijs. Et ill' eis reddiderunt in eadem curia: Habend eiſdem N. et A. tota vita ipſorum N. et A. et alterius eorum diutius viven, abſque impetitione vaſti tota vita ipsius A. Tenend &c. Et poſt deceſſum ipſorum N. et A. vnum meſſuagium &c. cum pertinentijs in F. prædict de tenementis prædict parcell', remañ T. B. vni filiorum prædictorum N. et A. et heredibus maſculis de corpore prædict T. legitime procreat, et tunc poſt deceſſum ipsius T. prædict tenement de prædict tenementis parcell' integre remañ I. B. alteri filiorum prædict N. et A. et hered' maſcul' de corpor ipsius I. legitime procreat. Tenend &c. Et ſi contingat &c. poſt deceſſum ipſius I. prædict tenement

de

de prædict' tenementis parcel' integre remañ B.F. alteri filio prædict' A.& hered' maſcul' de corpore prædict' B.licite procreat'. Tenend' &c. Et ſi contingat &c. quod tunc tenementa prædict' remañ (to diuers others) & rectis heredibus prædict' A.imperpetuum. Tenend' &c. Et p̃terea pref. T.& R.conceſſer̃ quod poſt deceſſū prædict' N.B.& A.vxor̃ eius,44.acr̃ terre,duæ acr̃ prati &c. cum pertineñ in B.præd' de p̃dictis tenement' reſidua integre remanebunt præd' B.F.& hæred' de corpore ſuo legitime procreat'. Tenend' &c. Et ſi contingat quod idem B.obierit ſine herede de corpore ſuo legitime procreat', quod tũc poſt deceſſum ipſius B.prædict' tenementa reſidua integre remanebunt præf. T. F.heredibus & aſſignatis ſuis imperpetuum.

A Fine to intaile lands to the heires of the body of the conuſor of the body of I.C.her husband deceaſed, with remainder ouer for default of ſuch iſſue to the right heires of the ſaid I.C. &c.

Sect' 81. Leiceſt. ſſ. PRæcipe I.C.armig',quod teñ M.C.viduæ conuenc'de tribus meſſuag' &c. A

¶Et eſt concordia talis,ſcilicet quod præd' I.conceſſit prædict' M.p̃dict' tenement̃ cum pertinentijs. Et ill' ei reddidit in eadem curia. Habend' & tenend' eidem M.& hered' de corpore ipſius M. de corpore I.C.nuper viri ſui defuncti legitime procreat',de capital' &c.Et ſi contingat quod eadem M.obierit ſine herede de corpore ſuo, de corpore ipſius I.C legitime procreat',tunc poſt deceſſum ipſius M.prædicta teñta cum pertiñ integre remaneant rectis heredibus ipſius I.C.defuncti. Tenend' &c.Et præd' I.C.armig' & hered' ſui warrant̃ præd' M. & hered' de corpore ſuo,de corpore p̃dicti I.C.defuncti, ac etiam rectis heredibus ipſius I. C. ſi eadem M.obierit ſine hærede de corpore ſuo,de corpore ipſius I.C. defuncti licite procreat̃, præd' teñta cum pertiñ, (ſicut dictum eſt) contra prædictum I.C.armig' & heredes ſuos imperpetuū. Et pro hac &c. B

A graunt by a Duke and his wife as in the right of his wife to the cogniſee for life of the tenant for life,with warranty, a render to the cogniſor for his wiues life,to conuey her title to her husband.

Sect' 82. Warw. ſſ. PRæcipe T.Duci N.& M.vxori eius,quod teñ T.T.armñ conuenc' &c.de teñtis in W. Et niſi &c. A

¶Et eſt concordia talis,ſcz.quod præd' Dux & M.conceſſ.præd' T. T.tenementa prædict' cum pertiñ,& quicquid idem Dux & M. habent in tenementis prædictis cum pertiñ,ad terminum vitæ ipſius M. Et ill' ei reddider̃ in eadem curia. Habend' & tenend' eidem T. T. & hered' ſuis de capitalibus dñis feodi illius per ſeruitia que ad eadem tenementa cum pertineñ pertinent tota vita ipſius M.Et preterea ijdem T.& M. B

con-

conceſſ. pro ſe, quod ipſi warrant̃ p̃d' T. T. & heredibus ſuis tenta prædict' cum pertinen̄ contra omnes homines tota vita ipſius M. Et pro hac &c. idem T. T. conceſſit tenementa prædict' cum pertinentijs præfato Duci. Et ill' ei reddidit in eadem curia: Habend' & tenend' eadem tenta cum pertinen̄ eidem Duci & hered' ſuis tota vita prædict' M. Tenend', *vt ſupra.*

A Fine of the moity of manors, meſſuages, land, meadow paſture, wood, linge, and heath more, mariſhe, and rent, the aduowſon of the moity of a Church the aduowſon of the moity of a Monaſterie or priory in poſſeſſion and reuerſion in fee.

A HEc eſt finalis concordia fact' in Curia dn̄æ Reginæ apud Weſt- Sect' 83.
monaſter̄ in craſtino ſanctæ Trinitatis, Anno regni Eliz. dei gratia Angliæ, Francie, & Hiber̄n Reginæ, fidei defenſ. &c. a conqueſtu triceſimo ſecundo, coram E. A. &c. Iuſtic', & alijs dominæ Reginæ fidelibus tunc ibi preſentibus, int̄ A. M. & L. H. quer̄, & T. N. & I. vxor̄ eius, vnam conſanguinearum & heredū R. E. deforc', de medietate manerior̄ de W. & R. cum pertinēt̄ijs, ac de medietate octaginta meſſuag', 40. acr̄ terr̄, 300. acr̄ prati, 50. acr̄ paſtur̄, 100. acr̄ boſci, 30. acr̄ iampnorum & bruere, 160. acr̄ more, 200. acr̄ mariſci, & viginti ſolidor̄ redditus cum pertin̄ in W. R. W. P. T. &c. Necnon de Aduocatione medietat̄ eccleſiarum de E. W. P. & R. ac etiam de aduocation̄ medietat̄ Monaſterij ſiue Prioratus de L. vnde placitum conuentionis ſumm̄ fuit inter eos in eadem curia: Scilicet quod prædict' T. & I. recogn̄ prædictas medietates cum pertinentijs, ac aduocationes prædictas eſſe ius ipſius A. de quibus ijdem A. & L. habent de dono medietatem præd' manerij de R. cum pertin̄. Necnon medietatem octoginta meſſuag', 260. acr̄ terre, 100. acr̄ prati, 300. acr̄ paſtur̄, 80. acr̄ boſci, 200. acr̄ iampnorum & bruere, 140. acr̄ mariſci, 100. acr̄ more, & vj. li. vj. s. reddit̄ cū pertin̄, in R. T. H. &c. Ac etiā aduocation̄ medietatis eccleſiæ de R. ac aduocac' medietat̄ Monaſterij ſiue Prioratus de L. p̃cell' medietatis maner̄, tenementorum, reddituum, & aduocat̄ prædictar̄ de dono prædictorū T. &
B I. ✻ Et ill' remiſer̄ & quiete clam̄ de ipſis T. & I. & hered' ipſius I. p̃dictis A. & L. & hered' ipſius A. imperpetuum. Et preterea ijdem T. & I. conceſſerunt pro ſe & heredibus ipſius I. quod medietas manerij de W. ac medietas 30. meſſuagior̄, 150. acrarum terre, centum acrarum prati &c. cum pertinentijs in W. P. E. & W. præd', ac aduocationes medietatis eccleſiarum de P. E. & W. pred', reſid' medietatis maneriorum, tenementorum, redditu, & aduocac' prædict', q̃ E. E. tenet ad terminum vite ſue de hereditate prædictæ I. die quo hec concordia facta fuit, & que poſt deceſſum ipſius E. E. ad predict' T. & I. & hered' ipſius I. debuerunt reuert̄, poſt deceſſ. ipſius E. E. integre remaneant præd'

A. &

A. & L. & hered' ipſius A. ✠ Tenend' ſimul cum prædict' medietate & aduocatione que eis per finem iſtum remanent de capitalibus dñis feodi illius, per ſeruitia que ad illas medietates & aduocac' pertinent imperpetuū. Et præd' T. & I. & hered' ipſius I. warrant̄ præd' A. & L. & hered' ipſius A. prædictas medietates cum pertinēt̄ijs, ac aduocationes prædictas ſicut prædictum eſt, contra omnes homines imperpetuum. ✠ Et pro hac recognitione, remiſſione, quieta clamatione, warrāt̄, fine, & concordia, ijdem A. & L. conceſſerunt prædictis T. & I. prædict' medietatem manerij de R. & medietatem prædictor̄ teñtor̄ cum pertiñ in R. T. H. &c. prædict': Necnon aduocationem medietatis eccleſiæ de R. predict', ac aduocationem medietatis Monaſterij ſiue Prioratus de L. p̄dict', Et illas eis reddiderunt in eadem curia. Habend' & tenend' eiſdē T. & I. & hered' ipſius I. de Capitalibus dominis feodi illius, per ſeruitia que ad illas medietates & aduocationes pertinent imperpetuum. ✠ Et conceſſerunt etiam præd' A. & L. prædict' medietatem manerij de W. cum pertiñ, ac prædict' medietat̄ teñt̄ cum pertiñ in W. P. E. &c. p̄d', pref. T. & I. Et illas etiam reddiderunt in eadem curia: Habend' & tenend' immediatè poſt mortem p̄d' E. E. eiſdem T. & I. & hered' ipſius I. de capitalibus dñis feodi illius, per ſeruitia que ad illam medietatem & aduocationem pertinent imperpetuum. D E

A graunt of lands by fine to two, who render to the cogniſor in general taile, & for default of ſuch iſſue to R. T. in general taile, the remainder to the Queenes Maieſtie her heires and ſucceſſors for euer.

Sect' 84. ET eſt concordia &c. quod præd' A. recogn̄ teñt̄ præd' cum pertiñ eſſe ius ipſius I. vt ill' que ijdem I. & D. habent de dono prædict' A. Et ill' remiſit &c. Et pro hac &c. ijdem I. & D. conceſſer̄ præfat̄ A. tenemen̄t̄ prædict̄ cum pertineñ. Et ill' ei reddid' in eadem curia: Habend' & tenend' eidem A. & heredibus de corpore ipſius A. legitime procreat̄, & pro defectu talis exitus tunc tenemen̄t̄ prædict' cum pertinentijs integrè remaneant hered' de corpore R. T. alij prædict' A. & heredibus de corpore eorum legitime procreat̄: Et pro defectu talis exit̄, tunc tenemen̄t̄ predict' cum pertinentijs remaneant dominæ Elizabethæ nūc Reginæ Angliæ, Franciæ, et Hiberniæ, hered' et ſucceſſoribus ſuis imperpetuum &c. A

A graunt of landes in general taile, to be holden of the grauntor in Socage, with diuers remainders ouer in taile, with warranty againſt all men.

Sect' 85. Eſſex. ſſ. PRæcipe S. B. agñ, q̄d' teñ W. S. cōuenc' de iij. meſſuag', &c. cum pertiñ in C. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet, quod predict' S. conceſſit prefato W. tenementa prædict' cum pertinentijs, & illa ei reddidit in eadem curia: B

Habend'

Habend' & tenend' eidem W. & hered' de corpore ſuo legitime procreat̃ de prædict' S. & hered' ſuis in Socagio per fidelitarem tantũ pro omnibus ſeruitijs & demandis que ad prædict' tenementa pertinẽt imperpetuum. Et ſi contingat quod idem W. obierit ſine hered' de corpor̃ ſuo legitime procreat̃, tunc poſt deceſſum ipſius W. teñta prædict' cum pertinentijs integre remanebunt I. S. Auo prædict' W. et hered' de corpore ipſius I. legitime procreat̃. Tenend̃ (*vt antea.*) Et ſi nullus heres de corpore ipſius I. fuer̃ legitime proc', tunc prædict' teñta cum pertineñ integre reuertent ad prædict' S. & heredes ſuos quiet̃ de al' hered' prædictorum W. & I. Tenend' de capital' &c. Et præterea prædictus S. & heredes ſui warrant̃ prædict̃ W. et hered' de corpore ſuo legitime procreat̃, et prædicto I. & hered' de corpore ſuo legitime procreat̃, ſi idem W. obierit ſine herecd̃ de corpore ſuo legitime procreat̃, præd' teneñta cum pertiñ (ſicut dictum eſt) contra omnes homines imperpetuum. Et pro hac &c.

A graunt of 16 acres of moore in general taile to be holden of the grantor by Knights ſeruice, by ſuit of court twiſe a yere and vi.s. rent.

A Eſſex. ſſ. PRæc' I. G. geñ, quod teñ P. I. coñ de ſexdecim acr̃ more cum pertiñ in K. Et niſi &c. Sect' 86.

B ¶ Et eſt concordia talis, ſcz. qd' p̃d' I. conceſſit præf. P. teñta præd' cũ pertiñ, & ill' ei reddidit in eadem curia: Habend' et tenend' tenementa prædict̃ cum pertinentijs prefat̃ P. et heredibns de corpore ſuo legitime procreat̃: Tenend̃ de dicto I. et heredibus ſuis per ſeruitium militare & ſect' curiæ ſuæ apud K. bis per annum, ac reddend' annuatim præfato I. et heredibus ſuis ſex ſolid' &c. ad feſta &c. per equales porciones annuatim imperpetuum ſoluend'. Et prædict' I. warrant̃ tenementa prædicta cum pertinentijs præfato P. et heredibus de corpore ſuo legitime procr̃ (ſicut dictum eſt) contra prædictum I. et heredes ſuos imperpetuum. Et pro hac &c.

A Fine ſur Releas of Knights ſeruice, Caſtel gard and murage, vpon a writ of Cuſtomes and ſeruices for a ſumme of money paied, ſauing all other ſeruices made by conſent of the King.

A HEc eſt finalis cõcordia facta in curia domini Regis apud Weſtmonaſt̃ er̃ a die ſancti Michaelis in xv. dies, Anno regni regis H. filij regis I. quinquageſimo priñ, coram G. de P. et R. de M. Iuſtic' et alijs domini regis fidelibus tunc ibi preſentibus, inter W. de P. quer̃, et H. B. deforc', de conſuetudinibus et ſeruitijs que idem W. exigerat de prædicto H. de libero teñto ſuo quod de præd' VV. tenet in VV. & VV. ſcz. de vno feodo Militis & dimid' cum pertineñ. Et vnde idem VV. exigebat de prædicto H. quod faceret ei ad wardũ Caſtri de B. quando euenerit, & ad Sect' 87.

& ad muragium eiuſdem caſtri cum neceſſe eſſet quantum ad prædictum tenementum pertinet. Que ſeruitia idem H. ei non cognouit. Et vnde placitum inter eos in eadem curia ſummonit̃ fuit, ſcilicet quod p̃dict' W. conceſſit pro ſe & heredibus ſuis, quod præd' H. & hered' ſui & eorum tenent̃ de honore de B. ſint quiet̃ de prædict' ſeruitijs inperpetuum: Saluis eidẽ W. & hered' ſuis omnibus alijs ſeruic' ad prædict' tenement̃ pertiñ, Et pro hac conceſsione, fine, & concordia idem H. dedit præd' W. decem & octo marcas argent̃. Et hec concordia facta fuit ex aſſenſu & voluntate eiuſdem domini Regis eam concedentis. This old fine is in Dyer, fol. 179. pla. 46.

A Fine of a Manor in poſſeſſion and other lands in reuerſion.

Sect' 88. Saloꝑ. ſſ. PRæc' W. B. quod teñ F. R. conuenc' de manerio de R. cũ pertineñ &c. A

¶ Et eſt concordia talis, ſcilicet quod prædictus W. recogñ manerium & tenementa prædict' cum pertinentijs eſſe ius ipſius F. de quibus idem F. habet prædict' manerium cum pertiñ, duo meſſ. &c. cum ptiñ in R. prædict' parcell' teñtoꝝ prædictoꝝ de dono prædicti W. Et ill' remiſ. &c. Et conceſſit pro ſe & hered' ſuis, quod duo meſſ. cum ꝑtiñ in R. præd', reſidua teñtorum prædictoꝝ que A, B. vidua tenet ad terminũ vite ſue de hereditat̃ &c. poſt deceſſum ipſius A. integre remañ præfat̃ F. R. & hered' ſuis. Tenend' ſimul cum prædicto manerio & tenement̃ parcel' que ei per finem iſtum remañ de capitalibus dominis &c. Et p̃dict' W. B. & hered' ſui warrant̃ præf. F. & hered' ſuis prædicta mañia & teñta cum pertinentijs ſicut dictum eſt contra omnes homines imperpetuum. Et pro hac &c. B

A *Fine by the husband and his wife of manors, meſſuages, &c. of the aduowſon of a Church, of rent, part in poſſeſſion, and part in reuerſion, with a render againe to the cogniſor and his wife for their liues without impeachment of waſt and after to the heires of the bodies of the conuſors, and for default of ſuch iſſue to the heires of the body of the wife of the conu or and for default of ſuch iſſue, then to the right heires of T. the cogniſor for euer.*

Sect' 89. Vidu. ſſ. PRæcipe T. M. aſ & M. vxori eius, quod iuſte &c. teñ &c. A. S. armig' conuenc' de manerio de W. iuxta Y. W. in G. & S. cũ pertinentijs, Ac de CCC. li. meſſ. &c. Necnon de aduocatione eccleſie W. in G. in comitat̃ predicto, Et de manerio de D. cum pertinentijs, Ac de x. meſſ. &c. & vij. s. viij. d. ob. redd' cum pertiñ in D. in coñ G. Ac de manerio de S. C. cum pertiñ, Ac de ſex meſſ. &c. cum perriñ in S. C. & V. in coñ D. A

¶ Et

B ¶ Et est concordia talis, scilicet quod p̄dicti T. & M. recogn̄ maneria, tenemēta, & reddit̄ p̄dict' cum ptinentijs, Ac Aduocationem præd' esse ius ipsius A. de quibus idē A. habet prędicta maneria de W. iuxta Y. W in D. &c. Ac aduocatioñ prædict' in præd' coñ S. Ac præd' manerium de South C. cum ptinentijs, Ac prædict' tenementa cum pertineñ in South C. & V. prædict, in pręd' coñ D. parcell' maner̄, tenement̄, & reddit̄ prædictor̄, de dono prædict' T. & M. Et ill' remis̄, &c. Et concesser̄ pro se & hæredibus ipsius M. qđ prædict̄ manerium de
C S. prædict' in prædicto comitatu S. ✲ Ac etiam prædict̄ manerium de D. cum pertinentijs in prædicto coñ C. residuum maneriorum, tenement̄, & reddit̄ prædictorum quæ F. S. armig' & E. vxor eius tenent ad terminum vitæ ipsius E. de hæreditate prędict' M. die quo hæc concordia facta fuit, Et quæ post decessum ipsius E. ad prædict' T. & M. & hęredes ipsius M. debuer̄ reuertere post decessum ipsius E. integre remanebunt prędict' A. S. et hæredibus suis. Tenend' simul cum præd' manerijs, tenementis, & reddit̄ quæ ei per finem istum remañ de capital' dominis feod' illius, per seruic' quæ ad prædict̄ manerium, tenementa, reddit̄,
D ac aduocationem pertinent imperpetuum. ✲ Et prædict' T. & M. et hæredes ipsius M. warrant̄ prædicto A. et hæredibus suis prædicta maneria, tenementa, redd' cum pertinentijs, ac aduocationem prædict' si-
E cut dictum est contra omnes homines imperpetuum. ✲ Et pro hac &c. idem A. concessit prefatis T. & M. prędict' maneria, tenementa, et redd' cum pertinentijs, ac aduocationem p̄dict'. Et illas eis reddid' in eadem curia: Habend' & tenend' eisdem T. & M. de capitalibus dominis &c. tota vita ipsorum T. & M. et eorum alterius diutius viuen̄ absq; impetitione alicuius vasti. Et post decessum ipsorum T. et M. p̄dict' maneria, tenemēta &c. integre remanebūt hæredibus ipsius T. de corporibus ip-
F sorū T. & M. legitime procreat̄: Tenend' &c. ✲ Et si nullus hæres ipsius T. de corporibus ipsorum T. & M. fuer̄ legitime procr̄, tunc prædicta maneria &c. integre remanebunt hęred' de corpore ipsius M. legitime procr̄. Tenend' &c. Et si nullus hæres de corpore ipsius M. fuer̄ legitime procreat̄, tunc prædicta maneria &c. integre remañ rectis hærepibus ipsius T. imperpetuum. Tenend' &c.

A fine of a Reuersion of a rent, issuing out of a manor, and 6. messuages.

A Esser. ss. PRæc' &c. quod iuste &c. teñ coñ &c. de quadraginta solidis reddit̄ cum pertinentijs, exeunt̄ de manerio de F. ac de sex Messuag' &c. Et nisi &c.

B ¶ Et est concordia talis, scilicet quod præd' I. recogn̄ prædict' redd' Sect. 90. cum pertinentijs esse ius ipsius R. & concessit pro se & hæredibus suis, quod prædict' reddit̄ cum pertinentijs quem H. T. et A. vxor eius tenent ad terminum vitæ ipsius A. de prædict' I. die quo hæc concordia facta fuit exeunt̄ de prædicto manerio &c. cum pertinentijs quem I. H.

Miles modo tenet, & qui post decessum ipsius A. ad prædict̃ I.F. & hæredes suos debuit reuertere post decessum ipsius A. integre remanebit prædict̃ R. & hæred' suis imperpetuum. Et prædict̃ I.F. & hæredes sui warrant̃ prædict̃ R. & hęred' suis p̃dict̃ reddit̃ cum pertinentijs, sicut prædictum est, contra I. Abbat̃ Monasterij &c. & successores suos imperpetuum. Et pro hac &c.

A Fine of the Reuersion of a rent.

Sect. 91. HEC est finalis concordia facta in curia dñi Regis apud W. a die P. A
in xv. dies, Anno regni E. filij Regis E. decimo, coram W.B.H.S.I.
B. & I.M. Iustic' dñi Regis & alijs fidelibus tunc ibi præsentibus, inter
R.P. quer̃, & I.B. defore', de decem marcis reddit̃ cum pertinentijs in B.
quem P. de A. tenet ad terminum vitæ, vnde placitum conuentionis
summ̃ fuit inter eos in eadem curia, scilicet, qd̃ p̃dict̃ I. concessit pro se
& hæredibus suis, quod prædict' reddit̃ cum pertinentijs quem præd'
P. tenuit ad terminum vitæ ex dimissione prædict̃ I. in p̃dict̃ villa die
quo hæc concordia facta fuit, & qui post decessum ipsius P. ad prædict̃
I. & hæredes suos reuertere debuit post decessum ipsius P. integre re-
maneat prædict' R. & hæred' de corpore suo procreat̃: Tenend' de ca-
pital' dominis feodi illius per seruitia quæ ad prędict̃ teddit̃ pertinent
imperpetuum. Et si contingat quod idem R. obierit sine herede de cor-
pore suo procreat̃, tunc post decessum ipsius R. p̃dict̃ reddit̃ cum perti-
nentijs integre remanebit rectis hæredibus ipsius R. tenend' de capi-
tal' dominis feodi illius per seruitia quę ad prędict̃ reddit̃ pertinent im-
perpetuum. Et pro hac concessione, fine, & concordia, idem R. dedit
prefat̃ I. centum marc' argenti.

A fine of Rent seruice, and of the Homages & seruices of diuers.

Sect. 92. Nott. ff. PRæcipe quod iuste &c. ten̄ conuenc' &c. de vndecim A
solidis reddit̃ cum pertinen̄ in B. Et nisi prius &c.

¶ Et est concordia talis, scilicet quod prædict̃ E. recogn̄ prædict' red- B
dit̃ cum pertinentijs esse ius prædict' W. Et idem E. insuper concessit
eidem W. reddit̃ illum cum pertinẽtijs simul cum homagio & totis ser-
uitijs S.F. R.L. & I.D. & hęred' suorum, de tot tenementis quot ipsi se-
peratim de ipso E. prius tenuerunt in prædict̃ villa: Habend' & tenen-
dū eidem W. & hæred' suis de capitalibus dominis feodi illius per serui-
tia quæ ad prędict̃ reddit̃ pertinent imperpetuum. Et prædict' E. & hæ-
red' sui prædict̃ reddit̃ cum pertinen̄ sicut p̃dictum est, p̃f. W. & hæred'
suis contra omnes homines warr̃ imperpetuum &c.

A fine of 4. messuages, where the husband & the wife sell the wiues
Iointure or Dower absolutely to him in the Reuersion.

Sect. 93. Ebor. ff. PRæc' T.G. armig', & B. vxori eius, quod ten̄ I.W. & E. A
vxori eius conuenc' de quatuor messuagijs &c.

¶ Et est concordia talis, scilicet quod cum prædict̃ T. & B. habeant B
&

& teneant tenementa p̄dicta cum pertineñ ad terminum vitæ predict' B. reuersione inde prædict' E. & hered' suis post decessum prædict' B. spectañ, ijdem T. & B. concesser præf. I. & E. tenementa p̄dict' cum p̄tiñ, & totum & quicquid in prædict' tenementis cum pertinẽtijs ad terminum vitæ ipsius B. habent, eisdẽ I. & E. in eadem curia reddider: Habend' & tenend' eisdem I. & E. & hæredibus ipsius E. durante tota vita ipsius B. de capital' dominis &c. Et p̄dicti T. & B. warrañt præf. I. et E. tñta prędicta cum pertinentijs (sic vt dictum est) contra prædictos T. et B. durante tota vita ipsius B. Et pro hac &c.

Tenant for terme of life, & her husband graunteth her estate for life in a manor messuages rent &c. to one B. who in consideration thereof, graunteth to the Conusor and his wife, for the life of the wife.

A Suff. ss. PRæc' L. H. et D. vxori eius, quod teñ B. B. coñ de manerio de S. cum pertinentijs, ac de sex Messuag' &c. cũ pertiñ in S. Sect. 94.

B ¶ Et est concordia talis, scilicet, qd̄ prędict' L. & D. concess. manerium, teñta, & reddit̄ cum pertineñ, quæ ijdem L. & D. tenent ad terminum vitę ipsius D. reuersione inde post mortẽ eiusdem D. cuidam R. R. & hæred' suis spectañ, præf. B. B. Habend' sibi & assignẽ suis, tota vita eiusdem D. Et præterea ijdem L. & D. concesser, quod ipsi warrañt manerium, tenementa & reddit̄ predict' cum pertineñ, præf. B. & assignatis suis, tota vita ipsius D. contra ipsos L. & D. imperpetuum. Et pro hac &c. idem B. concessit præfatis L. et D. quendam annual' reddit̄ xl. marc' legalis &c. exeunt̄ de manerio & tenementis prędictis: Habend' & percipiend' eundem annualem reddit̄ xl. marc' præfatis L. & D. pro termino vitæ eiusdem D. ad festa &c. per æquales porciones annuatim soluend'. Et si contingat prædict' annual' reddit̄ &c.

A fine of a Reuersion of one messuage &c. after the death of the tenant for life.

A Norff. ss. PRæcipe P. A. quod teñ E. S. conuenc' &c. de vno messuag' &c. Sect. 95.

B ¶ Et est concordia talis, scilicet quod prædictus P. recognẽ tenementa prædicta cum pertinentijs esse ius ipsius E. Et concessit pro se & hæredibus suis, quod prædicta tenementa, quæ W. B. et A. vxor eius tenent ad terminum, vitæ ipsius A. de hæreditate ipsius P. die quo hęc concordia facta fuit, Et quæ post decessum ipsius A. ad prædict̄ P. & hęredes suos debuerunt reuertere, post decessum ipsius A. integre remanebunt præd' E. S. & hęredibus suis imperpetuum. Tenend' &c. Et p̄dict' P. concessit pro se & hæred' suis, qd̄ ipsi warrañt prædict' tenementa cum pertineñ (sic vt dictum est) contra omnes homines imperpetuum. Et pro hac &c.

Fines and Concords.

A fine of a Rent graunted out of a Manor for life, with a clauſe of diſtres for the ſame Rent.

Sect. 96. Leiceſt. ff. PRæc' A.C.vid', quod teñ H.C.geñ conuenc' de annuo redd' xl.s. exeunt̄ de manerio de S. cum pertinentijs in S. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet, quod prædictus A. conceſſit præfato H. prædictum redditum cum pertinentijs, Et ill' ei reddidit in eadem curia: Habend' & percipiend' prædictos xl.s. eidem H. & aſſignatis ſuis, ad feſta Annunciationis beatę Mariæ virginis, & S. Mich. archang. per æquales porciones, annuatim ſoluend', tota vita ipſius H. Et ſi contingat prædict' reddit̄ xl.s. aretro fore &c. quod tunc bene licebit præfato H. & aſſignatis ſuis, tota vita ſua, in prædictum manerium̄ cum pertinentijs intrare & diſtringere &c. Et prædict' A. et hæredes ſui warrant̄ præfato H. et aſſignatis ſuis prædict' reddit̄ xl.s. cum pertinentijs, ſic vt dictum eſt, contra prædict' A. & hæredes ſuos, tota vita ipſius H. imperpetuum &c. Et pro hac &c. B

A fine whereby three ſeuerall Annuities be graunted out of a Manor, and after the manor alſo is graunted to one E. for life, and after the death of the ſaid E. the manor &c. to remaine to the ſaid E. and his heires.

Sect. 97. Staff. ff. PRæc' E.B.vid', E.B. gener̄, R.B. gener̄, & R.B. gener̄, quod teñ R.G. generoſ. conuenc' de manerio de H. cum pertinentijs, Ac de decem meſuagijs &c. A

¶ Et eſt concordia talis, ſcilicet, quod prædicti Eliz. Ed. Baldw. Ra. & Rich. recognouer̄ prædicta manerium, tenemēta, & reddit̄ cum pertinētijs, eſſe ius ipſius R. (*cum Releaſe & warrant'.*) Et pro hac &c. idem Rog. conceſſit præfato Edw. quandam annuitatem, ſiue annualem reddit̄ vj.li. xiij.s. iiij.d. exeunt̄ de & in manerio & tenementis prædictis cum pertinentijs. Et illa ei reddid' in eadem curia: Habend' & percipiend' eundem annualem reddit̄ vj.li. xiij.s. iiij.d. præfato Edw. & aſſignatis ſuis tota vita ſua, ad feſta Natiuitatis ſancti Ioh. Baptiſte, & Annunciationis beatæ Mariæ virginis, æquis porcionibus annuatim ſoluend'. Et ſi contingat &c. Conceſſit etiam idem R. quandam annuitatem ſiue annualē reddit̄ vj.li. xiij.s. iiij.d. (*vt ſupra cum clauſ. diſtrict'.*) Et vlterius idem R. conceſſit præfato R. quandam aliam annuitatem &c. vj.li. xiij.s. iiij.d. modo & forma prædict'. Et præterea idem R. cōceſſit præfatæ E. prædict' manerium, tenementa, & reddit̄ cum pertinēijs. Et ill' ei reddidit in eadem curia: Habend' & tenend' præfat̄ E & aſſignatis ſuis tota vita ipſius E. de caditalibus dominis feodi illius &c. Et poſt deceſſum ipſius E. prædict' manerium, tenementa, & reddit̄ cum pertinentijs integre remañ præfato E. & hæredibus ſuis, Tenend' de capitalibus &c. B

A *fine*

A fine of a Rent out of manors to one and his wife in taile generall and for default of ſuch iſſue to the right heires of the husband, with a paine of viij. pound for euery fiue weekes that the Rent is behind, and for euery weeke after the v. weeks, to forfait viij. li. nomine penæ, with a clauſe of diſtres.

A ET pro hac &c. ijdem A. & B. conceſſerunt præfatis W. et F. quen- Sect. 98.
dam annualem redditum nonaginta libr̃, de prædictis manerijs & tenementis cum pertinentijs. Et illas eis reddiderunt in eadem curia: Habend' & percipiend' prædict' annualem reddit̃ nonaginta libr̃, eiſdem W. & F. et hæred' de corporibus ipſorum W. & F. legitime procreat̃, ad feſta ſancti Michaelis archãgeli, & Annunciationis beatæ Mariæ virginis per æquales portiones annuatim ſoluend'. Et ſi contingat quod ijdem W. et F. obierint ſine hæred' de corporibus ſuis legitime procreat̃, tunc poſt deceſſum ipſorum W. & F. idem annualis reddit̃ nonagint̃ libr̃ integre remaneat rectis hæredibus ipſius W. ad feſta prę-
B dict' annuatim ſoluend'. ✻ Et ſi contingat prędict' annual' reddit̃ nonaginta libr̃ aretro fore in parte vel in toto per ſpacium quinque ſeptiman̄, poſt aliquod feſtum feſtorum prædictorum, quo vt præfertur ſolui debeat, non ſolut̃, (ſi legitim̃ modo petatur apud C. prædictã,) quod tunc & toties prædictus W. I. et hæredes ſui forisfacient prædi-
C ctis W. & F. & hæred' de corporibus ſuis legitime procreat̃, ac etiam rectis hæredibus ipſius W. ſi prædicti W. et F. obier̃ ſine hæred' de corporibus ſuis legitime procreatis, octo libr̃ nomine penæ. ✻ Et ſic qualibet ſeptimana, poſt p̃dictas quinque ſeptimanas, octo libr̃, quoties prædict' annualis reddit̃ nonaginta libr̃ aretro foret, quod tunc & toties bene liceret prædict' W. & F. & hæred' de corporibus ſuis legitime procreat̃, ac etiam rectis hæredibus ipſius W. ſi ijdem W. & F. obier̃ ſine hæred' de corporibus ſuis legitime procreat̃, in prædict' maneria & tenementa cum pertinentijs intrare, & diſtringere, diſtrictioneſq; ſic ibidem capt̃ & habitas, abducere, aſportare, & effugare, ac penes ſe retinere, quouſque tam de prædicto annual' reddit̃ nonaginta libr̃ cum arreragijs eiuſdem (ſi quæ fuerint,) quam de prædict' octo libr̃, vt præfertur, nomine penæ, forisfact', poſt prædict' quinque ſeptimanas, & pro octo libr̃ pro qualibet ſeptimana poſt prædict' quinque ſeptimanas, vt præfertur, eiſdem plene fuerit ſatisfact' & perſolut̃ &c.

A *Fine wherein an Annuitie is graunted out of fiue acres of land, to one in fee, with a clauſe of diſtres, for default of paiment of the ſame Annuitie.*

A Eſſex. ſſ. PRæcipe T. S. de C. armig', & A. vxori eius, quod teñ Sect. 99.
W. D. conuenc' de quinque acr̃ terræ cum pertinentijs in E. &c.

B ¶ Et eſt concordia talis, ſcilicet quod prædict' T. & A. recognouerunt

tenementa prædict' cum pertinẽtijs, esse ius ipsius W. vt illa quæ idem W. habet de dono p̃dictorum T. & A. Et ill' remiser & quiet clamauer de se & hæredibus suis præfato W. & hæred' suis imperpetuum. Et pr̃terea prædict' T. & A. concess. pro se & hæred' ipsius T. quod ipsi warrant præf. W. & hæred' suis tenementa prædict' cum pertinentijs, contra omnes homines imperpetuũ. Et pro hac &c. p̃dictus W. concessit præfato T. quandam annuitatem siue annualem redditum xx.s. legalis monetæ Angliæ exeunt & exitur, de, & ex tenemẽtis prędict' cum pertinentijs. Et ill' ei reddidit in eadem curia: Habend', tenend', & percipiend' p̃d' annuitatem siue annualẽ reddit xx.s. prædict', præfato T. & hæredib' suis, ad festa S. Martini Episcopi in hyeme, & Pentecost', per æquales portiones, annuatim imperpetuum soluendum. Et si, ac quoties, contingat prædict' annuitatem siue annualem rendit xx.s. prædict' aretro fore in parte vel in toto post aliquod festum festorum prædictorum, quo vt præfertur, solui debeat, non solut, per spacium quadraginta dierum, quod tunc & toties bene liceat & licebit præfato T. et hæredibus suis in prædicta tenementa cum pertinentijs intrare, & distringere, districtionesq; sic ibidem capt, licite asportare, effugare, abducere, & penes se retinere, quousq; de tota p̃dict annuitate siue annual' redditu viginti solid' prædict', vna cum arreragijs eiusdem, si quæ fuerint sibi sit plenarie satisfact' & persolut &c.

A fine wherein an annuitie is graunted in fee, out of 20. acres of land, with suit of Court, and Heriot after decease, recease and alienation of any tenant with a clause of distres for default of payment.

Sect. 100. South. ss. PRæcipe A.B. & C.D. quod ten F.G. connenc' de viginti ac terræ &c. A

¶ Et est concordia talis, scilicet quod prædict' A.B. & C.D. recognouer tenementa prædict' esse ius (*vt in fin' sur recognisance de droit, Release, & Warrantie,*) Et pro hac &c. prædictus T. concessit p̃fatis A.B. et C.D. quandã annuitatem siue annualem reddit xij.d'. legalis monetæ Angliæ exeunt & exitur, de & ex tenementis p̃dictis cum pertinentijs. Et ill' eis reddidit in eadem curia: Habend' & percipiend' prædictam annuitatem siue annualem reddit xij.d'. eisdem A.B. et C.D. & hæred' ipsius A. ad festa Sancti Mich. archangeli, & Annunciation beatæ Mariæ virginis, per æquales porciones annuatim soluend'. ✠ Ac etiam prædict' F. concessit pro se & hæredibus suis, præfatis A.B. & C.D. & hæred' ipsius A. ad faciend' sectam annuatim Cur prædict, A.B. & C.D. & hæred' ipsius A. apud manerium suum de C. bis in anno super licitam monitionẽ inde p̃habitur. Tenend' &c. Ac soluend' post decessum, recessum, & alienationem tam p̃dicti F. & hæred' suorũ, quam cuiuslibet alterius tenentis existen liber tenentis tentorum p̃dictor, vel alicuius inde parcell', optimũ animal' cuiuslibet hũdi tenent, nomine Heriot. B C

D Herioť. ✻ Et ſi contingat prædictam annuitatem ſiue annualem reddiť, aretro fore in parte, vel in toto, poſt aliquod feſtum feſtorum prædictorum, quo, vt præfertur, ſolui debeat, non ſoluť, aut ſect' curę p̄dict non fieri, ſiue herioť prædict cum acciderit non ſolui aut deliberať, qđ tunc bene licebit prædict A.B. & C.D. ac hæred' ipſius A. in teñta p̄dicta cum pertineñ intrare, & diſtringere, diſtrictioneſq; ſic ibidē capť, licite abducere, aſportare, & penes ſe retineee, donec & quouſque tam de prædicta annuitate ſiue annual' redd' xij.d'. vna cum arreragijs eiuſdem, ſi quæ fueť, quam de ſect' Curę, & Herioť prędict' aretro exiſteñ, eiſdem A.B. & C.D. & hæred' ipſius A. plenarie fueť ſoluť, contenť, & ſatisfact' &c.

A fine wherein an Annuitie is graunted out of a manor, meſſuages and rent in fee, payable at a certaine day, houre and place, with a forfaiture Nomine penæ, for the default of payment of the Annuitie and paine.

A Warw. ſſ. PRæcipe A.B. armig', quod teñ C.D. conuenc' de manerio de L. cum pertinentijs. Necnon de quatuor meſuag', & decem ſolidis reddiť, cum pertinentijs in L. prædict̄ &c. Sect. 101.

B ¶ Et eſt concordia talis, ſcilicet quod prædict̄ A.B. recognouit (*vt in fine ſur recogniſance de droit.*) Et pro hac &c. idem C. conceſsit præfato A. quandam annuitatē ſiue annualem redditum vij. libť legalis monetæ Angliæ, exeunť & exituř de et in manerio & tenementis prædictis cum pertinētijs. Et ill' ei reddidit in eadem curia: Habend' & percipiend' prædictā annuitatem ſiue annualem redditum vij.ſi. prędicto A. hæred' & aſsignatis ſuis, decimo die Sept. inter horam nonam ante meridiem, & horam tertiam poſt meridiem eiuſdem diei annuatim, apud domum ſiue manſionalem vulgariter nuncupatum S. ſituať in foro
C ſuo vocato le Market ſtead in villa C. in comitatu D. ſoluend'. ✻ Et ſi contingat prædictam annuitatem ſiue annualem redditum ſeptem libť, aretro fore, in parte, vel in toto, per ſpacium xiiij. dierum, poſt prædictam decimam diem Sept. quo vt præfertur ſolui debeat, non ſoluť, quod tunc prædict̄ C. & heredes ſui forisfacient eidem A. & hæredibus ſuis xij.ſ. iiij.d'. nomine penæ, toties quoties prædicta annuitas ſiue annualis redditus, aut aliqua inde parcella, ſic aretro fore contigerit, Et bene licebit prædict̄ A. & hæredibus ſuis in prædictum manerium, & cætera præmiſſa, cum pertinentijs, & in quamlibet inde parcell' intrare, & diſtringere, tam pro prædicta annuitate ſiue annuali redditu ſeptem libť, & pro qualibet inde parcell', quam pro prædict̄ xiij.ſ. iiij.d'. nomine penæ, eidem A. & hæredibus ſuis forisfact̄, toties quoties ſic aretro fore contigerit non ſoluť, diſtrictioneſque ſic ibidem capť, & habitas, licite abducere, aſportare, & effugare, & penes ſe retinere,

quousq; tam de prędicta annuitate siue annuali redditu septem lib^{r}, quam pro p̄dictis xiij.s.iiij.d'.nomine penæ, toties forisfac' plenarie fuer̄ eidem A.& hæredibus suis satisfact' & persoluт̄ &c.

A fine in which the Conusors graunt to the conusees in taile, an annuall rent of 4.li. issuing out of a manor payable at two feastes in the yeare, with a clause of distres for the said rent, and for xx.s. Nomine penæ, if the rent be not paide.

Sect.102. Staff. ſ. PRæcipe &c. quod iuste &c, teñ conuenc' &c, de manerio de B. Et nisi &c. A

¶ Et est concordia talis, qđ prædict' I.B.& E. recognouerunt manerium prædict' cum ptinētijs esse ius ipsius R, vt ill' quæ ijdem R.et M. habent de dono prædictor̄ I. & E. Et ill' remiser̄ & quiet̄ clamauer̄ de ipsis I.et E. & hæred' ipsius E. prædict' R.et M. & hæred' ipsius R. imperpetuū. Et præterea ijdē I.& E. concesserunt p̄ se et hæred' ipsius E. qđ ipsi warrant̄ p̄d' maneriū cum pertiñ præf. R.et M. et hæred' ipsius R. contra omnes homines imperpetuū. ✻ Et pro hac recognitione, remissione, quiet̄ clamatione, warrant̄, fine et concordia, ijdē R.et M. concesserunt pro se & hæred' suis, præf. I.et E. et hæred' de corpore ipsius E. legitime procreat̄, quatuor libras reddit̄, exeunt̄ de manerio p̄dict' cum ptinentijs. Et illum eis reddiderunt in eadē curia: Habend' et percipiend' singulis annis, scilicet, vnam medietatem inde, ad festum S. Mich, & aliam medietatem inde ad festum Annunciationis beatæ Mariæ virginis, eisdem I.& E.& hered' de corpore eiusdem E. legitime p̄creat̄, æquis porcionibus annuatim soluend̄ per manus tenentium qui idem manerium cum pertinentijs inposterum tenebunt. Et præterea ijdem R. & M. concesserunt pro se & hæredibus suis, quod si prædictus redditus ad aliquem terminum, quo solui debeat, aretro fuerit in parte, vel in toto, quod tunc bene licebit præf. I. et E. et hæred' de corpore ipsius E. legitime procreat̄, distringere prædict' R. et M. & hæredes suos, ac illos qui idem manerium inposterum tenebunt, per omnia bona & catalla, in eodem manerio cum pertinentijs inuent̄, pro xx. solid', nomine penæ, pro quolibet termino, sic aretro existent̄ per spacium vnius mensis, Et ea retinere vsque ad plenam solutionem tam de prædictis quatuor libris reddit̄, quam de prædictis xx. solid' nomine penæ quæ eis sic aretro fuerint &c. B C

A writ of Couenant for the Queene, for the tith corne of a parish, and the maner of the endorsement therof, by her Atturney generall.

Sect.103. Essex. ſ. PRæc' A.B. et C, qđ teñ nobis conuentionē inter nos & p̄f. A. et C. factam de omnibus et omnimod' decimis granorū crescen̄, puenien̄, siue renouan̄, infra parochiā de Hoton. Et nisi fecerint, sumn̄ per bonos summonit̄ &c. A

Hoc

Hoc breue indorſetur ſic.

¶ Edwardus Cook armig' Attorñ dominæ Reginæ generalis pro eadem domina Regina ſequitur hoc breue.

A Fine knowledged by T. W. to I. R. of one meſſuage, one barne, of land meadowe, and paſture, with warranty againſt all men.

A Eſſex. ſſ. PRæc' T. W. aꝛ quod iuſte &c. teneat I. R. conuenciones inter eos fact', de vno meſſuagio vno horreo xxv. acris terre, quatuor acris prati, & decem acris paſture cum pertineñ in L. Et niſi &c. Sect' 104.

B ¶ Et eſt concordia talis, ſcilicet, quod prædict' T. recognouit tenta prædict' cum pertinentijs eſſe ius ipſius I. vt illa que idem I. habet de dono prædict' T. Et illa remiſit et quiete clamauit de ſe & hered' ſuis imperpetuum. Et preterea idem T. conceſſit pro ſe & hered' ſuis quod ipſe warrantizabit, tenementa prædict' cum pertinentijs pref. I. et hered' ſuis contra omnes homines imperpetuum. Et pro hac recognicione &c.

A Fine knowledged by T. B. and E. his wife of a manor of two meſſuages of land, paſture, wood and rent and v.s. rent to I. K. with warranty againſt all men: And the ſaid I. K. by the ſame fine granteth and rendreth back againe the premiſſes to the ſaid conuſors, and to the heires of the ſaid I. one of the ſaid conuſors for euer.

A PRæcipe T. B. & E. vxori eius quod iuſte &c. teneant W. L. et I. K. conuenciones inter eos fact' de manerio de W. cum pertineñ ac de duobus meſſuagijs, octaginta acris terre, centum acris paſture, ſexaginta acris boſci, & quinque ſolid' redditus cum pertiñ in H. & B. Et niſi &c. Sect' 105.

B ¶ Et eſt concordia talis, ſcilicet, quod præd' T. et E. recognouerunt maneria tenementa & reddit̃ prædict̃ cum pertineñ eſſe ius ipſius W. vt illa que ijdem W. & I. habent de dono præd̃ T. et E. et illa remiſerunt & quiete clamauerunt de ipſis T. & E. & hered' ſuis præf. W. et I. & hered' ipſius W. imperpetuum: Et preterea ijdem T. et E. conceſſerũt pro ſe & hered' ipſius E. quod ipſi warrantizabunt maneria, tenement̃ & reddit̃ præd̃ cum pertinentijs prefat̃ W. & I. & hered' ipſius W. contra omnes homines imperpetuum: Et pro hac recognicione &c. ijdem W. et I. conceſſerunt pred̃ manerũm tenta et reddit̃ præd̃ cum pertineñ et illa ei reddiderũt in eadem curia. Habend̃ et tenend̃ eidem T. et hered' ſuis imperpetuum.

A Fine knowledged by H. K and I. his wife, I. C. and K. his wife to R. G. of one meſſuage one garden of land & paſture, and the ſame conuſors for them and the heires of Io' doe warrant two parts of the premiſſes in iij. parts deuided to the conuſee and his heires againſt all men for euer.

Præcipe

Fines and Concords.

PRæcipe I.H.& I.vxori eius quod iuſte &c,teneant R.G A
conuenciones inter eos fact', de vno meſſuagio, vno
gardino,40.actis terre,& quatuor acris paſture cum pertiñ
in &c.Et niſi &c.

Sect' 106. ¶Et eſt concordia talis,quod p̃d' I.& I. recognouer̃ tenementa præd' B
cum pertineñ eſſe ius ipſius R. vt illa que idem R. habet de dono præ-
dict' H.& I.I.& K.& illa remiſerunt & quiete clamauerunt de ipſis H.&
I.I.& K.& heredibus ſuis præfat̃ R.& hered' ſuis imperpetuum,Et præ-
terea ijdem H.& I. I. & K. conceſſerunt pro ſe & hered' ipſius I. quod
ipſi warrant̃ duas partes teñtorum prædict' cum pertiñ in tres partes di-
uideñ p̃f.R.& hered' ſuis contra ōnes homines imp̃pet̃. Et pro hac &c.

A Fine knowledged by I.F. knight and M. his wife and R. H. of two meſſuages, one garden, one orchard, and of land, meadow, and paſture, to T.P. and I.K. with warrantie againſt all men. And the conuſees by the ſaid fine graunt & render to the ſaid R. one of the conuſors in the fine vi. acres of land &c. parcel of the premiſſes for one moneth to come next, & afterwards the ſame to remain to one I. now the wife of R.N. & R.N. ſon of the ſaid K. and I. during their liues and the longer liuer of them. And after their deceaſes the the ſaid vi. acres of land to remaine to I.N. daughter of the ſaid K. and I. his wife, during her life, reſeruing a rent with clauſe of diſtres for non payment thereof. And the reſidue of the premiſſes, viz. the two meſſuages, one garden, one orchard &c. the ſaid conuſees graunt and render to R.H for one moneth and afterwards to one R.N. & I. his wife. To haue & to hold to the ſaid R. & I. during their liues, and the longeſt liuer of them, reſeruing alſo thereupon a rent with a clauſe of diſtres for non payment thereof. And laſtly the ſaid conuſees doe graunt and render the reuerſion of the whole premiſſes, and the ſeueral rents reſerued vpon the ſaid graunts and renders vnto the ſaid I.F. and M. his wife, two of the ſaid conuſors, and to the heires of the ſaid I.F. for euer.

Sect' 107. PRæc' I.F.milit̃ ac M.vxori eius,et R.H.quod iuſte &c,tenent A
T.W.& I.K.&c,de duobus meſſuag', 1.gardiñ,1.pomar̃,21.
acris tre,6.acr̃ prat̃,&58.acr̃ paſtur̃ cũ p̃tiñ in M. Et niſi &c.

¶Et eſt concordia talis,ſcz.qd' p̃d' I.M.& R. recogñ teñta p̃d' cũ p- B
tiñ eſſe ius ipſius T.vt illa que idē T.& I:habēt de dono p̃f.I.M.& R.Et
illa remiſer̃ & quiete clam̃ de ipſis I.M.& R.& hered' ſuis p̃d' T. & I.&
Warrantie. hered' ipſius T.imp̃petuũ.Et p̃terea ijdē I.F.M.& R.conceſſer̃ pro ſe &
hered' ipſius I.qd' ipſi warrant̃ teñta p̃d' cũ p̃tiñ p̃f.T.& I.& hered' ip-
The Render of parcel of the premiſſes. ſius T.con̄ oēs hoīes imp̃petuũ,Et pro hac &c.ijdem T. & I. conceſſer̃
p̃d' R.vj.acr̃ terre,3.acr̃ paſtur̃,et 46. acr̃ prati de teñtis p̃d' cum p̃tiñ &
illa ei reddider̃ in ead' cur̃: Habend' et tenend' eid' R. pro termino vni'
menſis iam prox' futur̃.Et poſt t̄miñ illũ finit̄,eaſd' 3.acr̃ t̄re, 3.acr̃ prat̄
46.acr̃ paſtur̃ cũ p̃tiñ integre remañ cuidā I.modo vxori cuiuſd' R.N.
& cuidā R.N.filio eorund' R.& I.Habend' & tenend' p̃f.I.et R.tota vita
ipſor̃ I.et R.et eor̃ alterius diutius viueñ:Et poſt deceſſũ eorund' I.& R.
eaſdem 6.acr̃ t̄re,3.acras prati & 46. acr̃ paſtur̃ cũ p̃tiñ integre remañ
The rent. I.M.filie p̃d'R.et I.vxoi eius:Habend' et tenend' eid' I.filie tota vita e-
iuſd' I.filie reddend' inde annuatim p̃d' T.& I.& hered' ſuis cent̄ & 8.s.
10.d'.

10.d',ad feſtũ Annunc' &c, per equales porc' annuatim ſoluend'. Et ſi contingat præd' ãnualem reddit̃ Cviij.s,x,d,vel aliqua inde ꝑcella a retro fore in ꝑte vel in toto ꝑ aliquod feſtum feſtorũ p̃d' quo ſiue quibus (vt prefertur)ſolui debeat non ſoluꝫ. Qd' tunc bene liceat p̃d'T.& I,hered' & aſſignat̃ ſuis tam tota vita naturali p̃d' I.& R.N, modo vxoris p̃d̃ R,& eorum alterius diutius viuen̄ quã tota vita p̃d' I. fil' in p̃d' 6. acras terre &c.cum ꝑtiñ & in quamlibet inde ꝑcellam intrare & diſtringere & diſtrictioñ ſic ibid' capt̃ liceat inde abducere effugare & penes ſe retinere quouſque de p̃d' annuali reddit̃ Cviij,s,x,d.& de qualibet inde ꝑcella vna cũ arrerag' eiuſd' ſi que fuerint eis plenarie ſatisfact' & ꝑſoluꝫ. Et vlterius ijdem T.& I,conceſſer̃ p̃d'R,H.duo meſſuagia vnũ pomariũ vnũ gardinũ,16,acr̃ terre,3,acr̃ prati & 12.acr̃ paſture reſid' cũ ꝑtinen̄ teñtor̃ præd'.Et illa ei reddider̃ in eadem curia:Habend' & tenend' eid' R.pro termino vnius menſis.Et poſt terminũ ill' finit̃, ead' duo meſſuagia,vnum gardiñ,vnũ pomar̃,xvj.acr̃ terre,tres acr̃ prati,et duodecẽ acr̃ paſture reſid' integre remanere cuidam R.N.& I.vxori eius: Habend' et tenend' eiſdem R.R.& I.tota vita ipſor̃ R.R,et I.et hered' eorum alteri⁹ diutius viuen̄:Redded' inde annuatim p̃d' T,et I.et hered' eorũ xiij.s, legalis monete Angl' ad feſta præd' per equales porcioñ ſoluend', Et ſi cõtingat præd' annualem reddit̃ xiij.s,aut aliquam inde parcellam a retro fore in parte vel in toco poſt aliquod feſtũ feſtor̃ p̃d' qua vt preferꝫ ſolui debeat non ſoluꝫ. Quod tunc bene licebit præf,T,et I.in præd' duo meſſuag',vnũ gardiñ,vnum pomar̃, xvi.acras terre, 3.acras prati & xij. acras paſture reſid' cum pertiñ,& quamlibet inde parcell' intrare & diſtringere,diſtrictioneſq; ibidẽ ſic capt̃, liceat abinde abducere,effugare, et penes ſe retinere quouſque de p̃d' reddit̃ xiij,s, vna cũ arrerag' eiuſdẽ ſi que fuerunt plenarie fuerint ſatisfact' & ꝑſoluꝫ: Conceſſerunt etiã p̃d T,et I,K,p̃d' I.F.& M,reuerſioñ omniũ et ſingulor̃ teñtor̃ p̃d'cum ꝑtiñ & oẽs reddit̃ p̃d' ſuperius reſeruat̃, & illa eis reddider̃ in ead' curia, Habend' et tenend' eiſdẽ I.et M,et hered' ipſius I, imperpetuũ de capital' dñis feodi illius ꝑ ſeruitia que ad p̃d' teñt̃ cũ ꝑtiñ ꝑtinent imꝑpetuum.

A fine knowledged by G.H.and D.his wife T.S.Eſq. and M.his wife of xl. acres of land to R.B, and W. N. with warrantie: And the conuſces doe graunt and render to the ſaid D.and to her heires, all mines of coales in a cloſe parcel of the premiſſes called Stanley field, with libertie to digge for the ſame.

A PRæcipe G.H.arm̃,& D,vxori eius T,S.arm̃,& M.vxori eius quod iuſte &c.teneant R,B,& W.W,conuencionem inter eosfact' de 40. acris terre cum ꝑtiñ in Stanley & Spendon,Et niſi &c. Sect' 108.

B ¶ Et eſt concordia talis,ſcz. quod præd' G,D.T.& M, recognouerunt tenementa præd'cum pertiñ eſſe ius ipſius R,vt illa que ijdem R. & W, habent

A clauſe of diſtreſſe.

The render of the reſidue.

Rent for the reſidue.

A clauſe of diſtres.

The render of the reuerſion of all the premiſſes and all the rents reſerued.

habent de dono prædict' G.D.T.et M. Et illa remiserunt et quiete clamauerunt de ipsis G.D.T.et M. & hered' suis pref. R.et W. et hered ipsius R.contra præd G.D.T.et M.et hered ipsius T.imperpetuum. Et p hac recognicione &c.præd R.et W. concesserunt pref. G.et D.omnes mineras carbonum vocat all Mines of Coales,existen in quodam campo parcell' tenementorum præd vocat Stanley field: necnon liberum ingressum et egressum in et super præd camp ad fodend' in mineris illis pro carbonibus illis omni tempore Anni ad libitum ipsorum G. et D. et hered' eiusdem D. Et illa omnia eis reddiderunt in ead cur. Habend capiend et percipiend prædict' miner ingressus, egressus, ac libertat prædict' cum pertinentijs prefat G. et D. et heredibus ipsius D. imperpetuum.

The conusees do graunt and render Coale mines in part of the premisses to two of the conusors and libertie to get them.

A Fine knowledged by W.K.and K.his wife of the third part of one messuage, one barne,one garden &c.to I.K.and T.H. with warrantie against all men:and the said conusees do graunt and render to the said S one of the conusors,the said third part of the premisses from Micha. or Thannunciation &c which first shal happen to be next after the death of one E. now the wife of W.T.for the terme of xxi yeres, reseruing a rent yerely to the conusees with a clause of distresse for the said rent, And lastly the said conisees graunt and render the reuersion of the said premisses to W. K.and K. his wife being ij. of the said conusors in the said fine,and to the heires of the said K.for euer.

Sect' 109.

A PRæcipe W.K.et K.vxori eius quod iuste &c,teneant I. K.et T.H.conuencionem inter eos fact' de tertia parte vnius mesuagij,vnius horrei,vnius gardini, 30.acrarum terre, duarum acrarum prati, et acrarum pastur cum pertinen in &c.Et nisi &c.

B ¶ Et est concordia talis,scilicet quod præd W.K.& S,recognouerūt tertiam partem præd cum pertinen esse ius ipsius I.vt illa que ijdem I. et T.habent de dono prædict' W. K.& S. Et illa remiserunt & quiete clamauerunt de ipsis W. K. & S. & hered suis præfat I. et T. & hered ipsius I.imperpetuum,Et preterea ijdem VV.K.& S. concesserunt pro se & hered ipsius K.quod ipsi warran tertiam partem predict' cum pertinentijs prefat I.et T.et hered ipsius I. contra omnes homines imperpetuum.Et pro hac recognicione ijdem I.et T. concesser prædict S. tertiam partem prædict' cum pertinen & illam ei reddiderunt in eade curia. Habend & tenend eidem S. a festo sancti Michaelis Arch. vel a festo Annunc': beate Mariæ virginis quod prius & proxim contigerit vel erit post mortem cuiusdam E. modo vxor W.T.& nuper vxor R.C. defunct' vsque ad finem & terminum xxj. annorum extunc proxim sequen & plenar complend: Reddend inde per Ann prædict' I. & T. xij. d,ad

Warrantie.

The Render.

d. ad feſtum Annunciacionis beate Mariæ virginis & ſancti Michaelis Archang' per equales portiones ſoluend'. Et ſi contingat prædict' annualem reddit̃ xij. d. vel aliqua inde parcella aretro fore in parte vel in toto poſt aliquod feſtum feſtorum prædict' quo vt prefertur ſolui debeat non ſolut̃, quod tunc bene licebit prefat̃ I. et T. hered' & aſſignat̃ ſuis in tertiã partem prædict' cum pertinen̄ & in quamlibet inde parcellam intrare et diſtringere diſtrictioneſque ſic ibidem capt̃ liceat abinde abducere, effugare, aſportare & penes ſe retinere, quouſque de præd annuali reddit̃ xij. d. & de qualibet inde parcella vna cum arreragijs eiuſdem ſi que fuerint, plenarie eis fuerit ſatisfact' & perſolut. Conceſſer̄ etiam prædict' I. K. & T. H. præd' W. & K. reuercionem 3. partis præd' cum pertin̄ & reddit̃ p̄d ſuperius reſeruat̃. Et illa eis rediderunt in eadem curia: Habend' & tenend' eiſdem W. & K. & hered' ipſius K. imperpetuum de capitalibus dominis feod' illius per ſeruic' que ad eandem tertiam partem pertinent imperpetuum.

Clauſe of diſtreſſe for the rent.

The graunt of the reuerſion & the rent reſerued vpon the leas for 21. yeres.

A Fine knowledged by W. P. and M. his wife of a manor &c. one water mille, one winde mille, iij. douehouſes &c. to E. B. and R. C. and the conuſees by the ſame fine, do graunt vnto the ſaid M. a yerely rent of xij. li. going out of the ſaid Manor, Habend *from Michaelmas or Thannunciation next after the death of the ſaid W. P. her husband, and one of the conuſors in the ſaid fine during her life, in full recõpence of her title of dower or iointure in any of the lands of her ſaid husband, with a clauſe of diſtreſſe for the ſaid rent. And laſtly the ſaid conuſees graunt and render againe the ſaid manor &c. to the ſaid W. P. the conuſor, and husband to the ſaid M. and to his heires for euer.*

Sect' 110.

A ET eſt concordia talis, ſcilicet quod prædict' W. & M. recognouerunt manerium & tenta præd' cum pertin̄ eſſe ius ipſius E. & R. vt illa que idem E. & R. habent de dono præd' W. & M. Et illa remiſerunt & quiete clamauer̄ de ſe & hered' ſuis prefat̃ E. & R. & hered' ipſius E. imperpetuũ. Et p̄terea ijdē W. & M. conceſſer̄ pro ſe & hered' ipſius W. quod ipſi warrantizabunt manerium & tenta præd' cum pertin̄ prefat̃ E. B. & R. & hered' ipſius E. contra omnes homines imperpetuum: Et pro hac recognicione &c. ijdem *R.* & E. conceſſerunt p̄f. M. quandam annualem reddit̃ xij. li. exeun̄ de præf. Manerio & tenementis cum pertin̄. Habend' & tenend' & annuatim percipiend' præd' annualem reddit̃ xij. li. prefat̃ M. & aſſignat̃ ſuis a feſto ſancti Michaelis Archangeli vel Annunciac' beate Marie virginis prox. & immediate ſequen̄ poſt mortem prædict' W. pro & durante vita naturali eiuſdem Mariæ ad duos Anni terminos viz. ad feſta ſancti Michaelis Arch. & Annunc' beate Mariæ virginis equalibus portionibus annuatim ſoluend' in plenam recompencionem totius tituli vel Iuncture ſiue dotis que eidem M. contingere debent de aliquibus terris

Warrantie.

A graunt of a rent in recompence of iointure & dower.

terris vel tenẽtis p̃d' W.P: Et ſi cõtingat præd' annual' reddit̃ xij.li. vel aliquam inde parcellam a retro fore per aliquod feſtum feſtorũ præd̃ quo ſiue quibus vt prefertur ſolui debeat. Quod tunc & toties bene licebit præd' M. & aſſignẽ ſuis in præd̃ manerĩ & tenẽtum ſiue in aliquam inde p̃cellam intrare & diſtringere & diſtrictionẽ ſiue diſtrictiones ſic ibidem capt̃ abducere, effugare, & penes ſe retinere quouſque de præd̃ annuali reddit̃ xij.li. & de qualibet inde parcella vna cum arreragijs eiuſdem ſi que fuerint plenarie ſatisfact' fuerint & p̃ſolut̃: Et vlterius ijdem E. & R. conceſſerunt præd' W. Maneriũ et tenẽta p̃d' cum pertiñ & illa ei reddiderunt in cad' curia: Habend' & tenend' præd' manerĩ cum pertineñ pref. W. et heredi' ſuis impertuũ. Tenend' &c.

The render of the manor &c. by the coniſees to the conuſor and his heires for euer.

A Fine knowledged by I. G. and M. his wife to R. R. knight, Lord R. of one meſſuage one barne &c. v.s. rent the parſonage of B. and the aduowſon of the vicarage of B. with warrantie againſt the conuſor and his wife & the heires of the husband.

Sect' 111.

PRæcipe I.G. alias G. & M. vxori eius quod ipſe &c. teneat R. R. militi̇ domino R. conuencionem &c. de vno meſuagio, vno horreo, xv. acris terre, 6. acris prati, 20. acris paſture, & v.s. reddit̃ cum pertineñ in B. ac de rectoria de B. prædict': Necnon de aduocatione vicarĩ Eccleſiæ de B. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet, quod prædict' I. et M. recognouerũt prædict' tenẽta reddit̃ & rectoriam cum pertineñ ac aduocac' præd' eſſe ius ipſius dñi R. vt illa que idem dñus R. habet de p̃d' I. & M. & illa remiſerĩ & quiete clamauerĩ de ipſis I. et M. & hered' ſuis præfat̃ domiñ R. & hered' ſuis. Et preterea ijdem I. & M. conceſſerunt proſe & hered' ipſius I. quod ipſi warrant̃ præd' dño R. & hered ſuis præd̃ tenẽta reddit̃ et rectoriam cum pertiñ ac aduocac' p̃d' contra præd̃ I. et M. et hered' ipſius I. imperpetuum. Et pro hac &c. B

A Fine knowledged by I.S and M. his wife of one garden &c. with two ſeueral warranties. The firſt warranty againſt the conuſors and their heires onely: and in the ſecond, the ſaid I.S and M. his wife graunt to warrant the premiſſes for them and the heires of the husband againſt all men.

Sect' 112.

PRæcipe I.S. & M. vxori eius quod iuſte &c. teneant N. W. cõuencionem inter eos fact' de vno gardino, et decem acrĩ terre cum pertiñ in S. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet quod prædict' I. & M. recognouerunt teñta præd' cum pertiñ eſſe ius ipſius N. Et illa remiſerunt & quiete clam̃ de ipſis I. & M. & hered' ſuis prefat̃ N. & hered' ſuis E. imperpetuum. Et p̃terea ijdẽ I. & M. conceſſerĩ proſe & hered' ipſius I. quod ipſi warrantiza- B

The firſt warrantie.

tizabunt tenta præd' cum pertin prefat N. & hered' ſuis imperpetuum. The ſecond warrantie.
Et preterea ijdem I. et N. conceſſer pro ſe & hered' ipſius I. quod ipſi warrant præd' tenta cum pertin pref. N. et hered ſuis contra omnes homines imperpetuum. Et pro hac &c.

A Fine knowledged by E. R. of a manor, &c. twelue meſſuages, x. toftes, x. gardens, ij. winde milles, &c. and vi.li. rent, with warrantie againſt all men.

A PRæcipe E.R. armig', quod iuſte &c. teneat H.W. gent, conuentionem inter eos fact' de manerio de S. cum ptin, ac de xij. meſuagijs, x. toftis, x. gardinis, duob' molend ventilibus, 600. acris terre, 40. acris prati, 6. acris paſture, ducent acr boſci, quingent acris iampn, et bruere et vj.li. reddit cum pertin in &c. Et niſi &c. Sect' 113.

B ¶ Et eſt concordia talis, ſcilicet, quod præd E. R. recognouit manerium tenementa et reddit præd cum pertinentijs eſſe ius ipſius H.W. vt illa que idem H. habet de dono prædict' E. Et illa remiſit et quiete clamauit de ipſo E. et hered' ſuis prædict' H. et hered ſuis imperpetuum. Et preterea idem E. conceſſit pro ſe et hered ſuis, quod ipſi warrantizabunt prædict' H. et hered ſuis maner, tenement et reddit prædict' cum pertinentijs, contra omnes homines imperpetuum. Et pro hac &c.

A Fine knowledged within the County of Cheſter, by H.S. Eſq. to W.F. and R.C. of diuers manors &c. with warranty againſt all men. And the conuſors by the ſame fine, graunt and render the ſame manors &c. vnto the conuſor and his heires males, and for default of ſuch heires males, then to certaine perſons for the life of I. S. brother vnto the ſaid conuſor, and after his death to his heires males. And if the ſaid I. S. died without heire male, then to diuerſe other of the name and kinred of the conuſor, and to their heires males, and for default of ſuch heire, the laſt remainder in fee to the right heires of the conuſor for euer.

A HEc eſt finalis concordia fact' in curia dominæ Regis apud Ceſtr' in die Lune &c. Anno &c. coram M.H. milit Iuſticiario domini Regis et alijs domini Regis fidelibus tunc ibidem preſentibus inter W. F. et R.C. quereñ et H.S. de O. in com Ceſtrie arm, de maner de O. et O. cum pertinentijs, ac de xiiij. meſſuagijs, 500. acr terre, 200. acris prati, 500. acr paſture, 60. acr boſci, C. acris more & mariſci et ij.s. reddit cum pertin in O.O. in C. et W. ac de medietate manerij de E. cum ptin et de 6. meſſuagijs, C. acris terre, C. acris prati xx. acris paſture, ij. acris boſci, xx. acris iampnorum & bruere cum pertinentijs in E. Vnde placi- Sect' 114.

placitum conuencionis ſummonit̄ fuit inter eos in ead' cur̄, ſcilicet, quod
præd' H. recogn̄ manerī̄ teñta & reddit̄ præd' cum ptin̄, ac præd' medi-
etat̄ ſuam mnacrij de E. & prædict' teñta in E. præd' cum pertineñ eſſe
ius ipſius W. vt illa que ijdem W. & R. C. habent de dono prædict' H.
Et illa remiſerunt & quiete clamauer̄ de ipſo H. & hered' ſuis pref. W. &
Warrantie. R. & hered' ipſius W. imperpetuum. Et preterea idem H. conceſſit pro
ſe & hered' ſuis quod ipſe & hered' ſui warrant̄ maneria, teñta & reddit̄
præd' ac prædict' medietatem prædict' manerij de E. & præd' teñta in
The render. E. præd' cum pertineñ pref. W. & R. & hered' ipſius W. contra omnes
homines imperpetuum. Et pro hac recognicion̄ remiſſione, quiet̄ clam̄,
warranto, fine, & concordia præd' W. & R. in eadem cur̄ conceſſerunt p̄-
fato H. M. manerī̄ teñta & reddit̄ p̄d' ac p̄d' medietat̄ p̄d mañ de E. & p̄d'
tenemēta in E. præd' cum pertin̄ & illa ei reddideñ in ead' cur̄: Habend̄
eidem H. & hered' maſculis de corpore ſuo legittime procreat̄. Et ſi con-
tingat p̄d' H. obire ſine hered' maculo de corpore ſuo legitime procreat̄.
Quod tunc præd' manerī̄ teñta & reddit̄, ac præd' medietas præd' ma-
Remainders nerij de E. ac præd' teñta in E. cum pertineñ poſt mortem præd' H. S. R.
in taile. S. filio & hered' appareñ T. S. arm̄, R. S. filio, E. S. R. B. & E. B. pro termi-
The remain- no vite I. S. fratris præd' H. remaneant. Ita quod manerī̄ teñta & reddit̄
ders after the prædict' ac prædict' medietat̄ præd' manerī̄ de E. & prædict' tenementa in
death of I. E. cum pertinentijs poſt mortem prædict' I. S. hered' maſculis de corpo-
S. the conuſors re prædict' I. legitime procreat̄ remaneant. Et ſi contingat eidem I. S. ſi-
brother to the ne hered' maſculo de corpore ſuo legitime procreat̄ obire, qd' tunc ma-
heires males nerī̄ tenementa & reddit̄ prædict', ac præddict' medietas præd' manerij
of the ſaid I. S. de E. & prædict' tenementa in E. prædict' cum pertinentijs T. S. de S. ar-
The other re- mig', & hered' maſculis de corpore ſuo legitime procreat̄ remaneant. Et
mainders if the ſi contingat præd' T. S. ſine hered' maſculo de corpore ſuo legitime pro-
ſaid I. S. die creat̄ obire, quod tunc prædict' manerī̄, tenementa, & reddit̄, ac prædict'
without heire medietas dict' manerij de E. & prædict' tenementa in E. præd' cum per-
male. tineñ T. S. filio G. S. & hered' maſculis de corpore eiuſdem T. S. filij p̄d'
G. legitime procreat̄ remaneant &c. Et ſi contingat eid' G. ſine hered'
The laſt re- maſculo de corpore ſuo legitime procreat̄ obire quod tunc manerī̄ tene-
mainder in fee menta & reddit̄ prædict' ac prædict' medietas dict' manerij de E. et te-
to the right nementa præd' in E. præd' cum pertineñ rectis hered' prefat̄ H. S. rema-
heires of the neant imperpetuum.
conuſor fore-
uer.

A Fine knowledged before the Iuſtices of Cheſter by B. P. and E. his wife of a manor &c, one water mille, one douehouſe, one garden, ij. orchards &c. with warrantie.

Sect' 215. A

PRæcipe B. P. & E. vxori eius quod iuſte &c. teneant I. S. Arm̄ conuencionem inter eos fact' de manerī̄ de O. al' O. ac de vno molendino aquatico, vno columbario, vno gardi-

gardino, duobus pomarijs, centum acr̃ terræ, ſexaginta acr̃ prati, ducent̃ acris paſturæ, quadraginta acris boſci, centum acris bruere, treſcent̃ acris more, centum acris turbarie, quinquaginta acris mariſci, triginta acris terræ, aqua cooperт̃ cum ptiñ in O. alias O. Et niſi &c.

B ¶ Et eſt concordia talis, ſcilicet quod præd' B. & E. recognouerunt manerium & tenementa prædict' cum pertineñ eſſe ius ipſius I. Et illa remiſer̃ & quiete clamauerunt de ſe & hæred' ſuis præfat̃ I. & hæred' ſuis imperpetuum. Et præterea præf. B. & E. conceſſerunt pro ſe & hæred' ipſius B. quod ipſi warrantizabunt maner̃ & tenementa prædict' cum pertineñ præfat̃ I. & hæred' ſuis contra præfat̃ B. & E. & hæred' ipſius B. imperpetuum. Et pro hac &c. Warrantie.

A fine knowledged by an Earle and his wife of a manner, aduowſon, liberties, free warren, and free fiſhing, and a fould courſe for 2000. ſheepe.

A PRæcipe Tho. comiti Suſſex et Fran. vxori eius quod iuſte &c. teneant Will' Curſon ar̃ conuenc' inter eos fact' de manerio d̃e B. cum pertineñ ac de 80. meſuagijs, 40. cotagijs, 10. toftis, 100. gardinis, 60. pomarijs, 400. acris terræ, 60. acris prati, 200. acris paſturæ, 20. acris boſci, 40. acris Iampnorũ & brueres, 200. acris more, 100. acris alneti et 20. s. red', cum ptineñ in Billingford alias Billingfoorth, Bylowe alias Bylingh &c. nec nõ aduocationẽ eccleſiæ de Bylingfoord, ac de libertate vnius Foldagij ad B 2000. ouium, libera warrenna & libera piſcaria in B. &c. Et niſi &c. Sect. 116.

¶ Et eſt concordia talis, ſcilicet, quod prędict' comes & Franciſca recognouerunt prædict' maneria tenemenт̃ et reddit̃ cum pertinentijs ac aduocationem libertatem liberam warrennam & liberam piſcariam prædict' eſſe ius ipſius W. vt illa quæ idem W. habent de dono præd' comitis et Fr. Et illa remiſer̃ & quiete clamauerunt de ſe & hæred' ſuis imperpetuum. Et præterea ijdẽ comes et Fr. conceſſer̃ pro ſe & hæred' ipſius comitis quod ipſi warrantizabunt manerium tenementa et reddit̃ præd' cum pertinentijs ac aduocationem, libertatem, liberam warrennam et liberam piſcariam præd' præfat̃ W. & hæred' ſuis contra omnes homines imperpetuum. Et pro hac &c. Warrantie.

A fine knowledged by the husband and the wife, and a third perſon of certain acres of land meadow and wood, and the husband and the wife warrant the land, to the Conuſees and to the heires of the one of them: and the ſame Conuſees graunt and render againe the land to E. wife of one of the Conuſors from Michelmas paſt for the tearme of 99. yeares without impeachment of waſt, yeelding a rent to the Conuſees, and to the heires and aſſignes of one of them, with a clauſe of diſtreſſe for non payment

ment of the rent: and afterwards they graunt the rent, and the reuercion of the lands in fee to one W.W.

Sect. 117. PRæcipe W. Walgraue arm̃ & E. vxori eius & E. E. A
quod iuste &c. teneant R. R. et T. G. conuencionem
&c. de duabus acr̃ terræ, duabus acr̃ et dimid' prati, et 70.
acris bosci, cum pertinentijs in E. Et nisi &c.

¶ Et est concordia talis, scilicet, quod prædict' W. E. & E. recognouer̃ B
prædict̃ tenemẽta cum ptinentijs esse ius ipsius R. vt illa quæ idem
R. & T. habent de dono prædict' W. E. et E. Et illa remiserunt et quie-
te clamauer̃ de ipsis W. E. et E. hæred' suis prædict' R. & T. et hæred'
Warrantie. ipsius R. imperpetuum: Et præterea ijdem W. et E. concesserunt pro
se et hæred' ipsius W. quod ipsi warrantizabunt prædict' R. & T. &
hæred' ipsius R. prædict' tenementa cum pertineñ contra omnes ho-
The render. mines imperpetuum. Et pro hac recognicione &c. prædict̃ R. R. et T.
G. concesser̃ præfat̃ E. prædict̃ tenementa cum pertineñ & illa ei reddi-
derunt in eadem curia: Habend' & tenend' eidem E. a festo sancti Mi-
chaelis Archangeli iam vltimo ꝑterrit̃ vsq; ad finem & terminum 99.
Rent. annorum tunc proxim̃ sequeñ et plenarie complend' absq; impetitio-
ne alicuius vasti: Reddend' inde annuatim præfat̃ R. et T. et hæred'
& assignat̃ ipsius R. duran̄ toto termino prædict' sexagint solid' & v-
Clause of Di- num denar̃ legalis monete Angliæ ad festum Annunciacionis beatæ
stresse. Mariæ & sancti Michaelis Archangeli equis porcionibus soluend': Et
si contingat prædict' reddit̃ 60. solid' & vnius denarij a retro fore in
parte vel in toto post aliquod festum festorum prædict' quibus vt præ-
mittitur solui debeat non solut̃ quod tunc bene licebit præfat̃ R. & T.
& hæred' & assignat̃ ipsius R. in tenementa prædict' cum pertinentiis
intrare et distringere, & districtiones ibidem sic capt̃ abducere asporta-
re & penes se retinere quousque de prædict' reddit̃ vna cum arrera-
gijs eiusdem si quæ fuerint plenar̃ fuerint satisfact', content̃, & perso-
The render of the Rent & reuercion of the land to one in fee. lut̃. Et vlterius ijdem R. R. et T. G. concesser̃ prædict' reddit̃ præ-
dict' 60. solid' ac vnius denarij ac reuercionem tenementorum præ-
dict' cum pertinentijs præfat̃ W. W. & hæred' suis imperpetuum.

Capt̃ & recognit̃ fuit coram me W. Bendlose seruieñ ad legem a-
pud S in parochia de B. &c.

A fine knowledged by two vnto one, with warrantie against all men.

Sect. 118. ET est concordia talis, scilicet, Quod præd' L G. & T. B. recognouer̃ A
Fine sur cog- tenementa pred' cum pertineñ esse ius ipsius I. G. vt illa quæ idem
nisance de drout. I. habet de dono prædict' E. & T. Et illa remiser̃ et quiete clamauerunt
de ipsis L. G. et T. & hered' suis prædict' I. G. et hæred' suis imperpe-
Warrantie. tuum. Et præterea ijdem L. G. & T. concesser̃ pro se et hered' ipsius G.
quod ipsi warrantizabunt pred' I. et hered' suis tenementa præd' cum
pertineñ contra omnes homines imperpetuum. Et pro hac &c.

A fine knowledged of two messuages and two gardens &c. by the husband & the wife and diuerse others, to W. C. with seuerall warranties.

A PRæc' R. F. & E. vxori eius & G. C. et B. vxori eius qđ teneant W. C. gen̄ conuencionem &c. de duobus messuagijs, duobus gardinis, vno pomario, 30. acris terræ, decem acris prati, 40. acris pasturæ, & xvj.s. redd', cum pertinen̄ in W. & D. Et nisi &c. Sect. 119.

B ¶ Et est concordia talis, scilicet, quod prædict' R. & E. G. & B. recognouerunt tenementa prædict' cum pertinen̄ esse ius ipsius W. vt illa quæ idem W. habet de dono prædict' R. et E. G. et B. Et illa remisser̄ & quiete clamauerunt de ipsis R. & E. et G. B. & hæred' ipsorum G. E. et B. præfat̄ W. et hęred' suis imperpetuum. Et præterea ijdem C. & E. concesserunt pro se & hæred' ipsius E. quod ipsi warrantizabunt tenementa pred' cum pertinen̄ præfat̄ W. & hered' suis contra omnes homines imperpetuum. Et vlterius ijdem G. et B. concesserunt pro se & hered' ipsius B. quod ipsi warrantizabunt tenementa pred' cū pertinen̄ præfat̄ W. & hæred' suis contra pred' G. & B. et hæred' ipsius B. imperpetuum. Et pro hac &c. Generall warrantie. Speciall warrantie.

A fine knowledged of foure messuages, one tofte, three barnes, three gardens, three orchards &c. to W. S. and N. W. with warrantie.

A INter W. S. & N. W. quer̄ & O. B. & vxorē eius deforciañ de 4. messuagijs, vno toft̄, tribus horreis, tribus gardinis, tribus pomar̄, viginti acris prati, sex acris pasturæ, cum pertinen̄ in K. & B. Sect. 120.

B ¶ Et est concordia talis, scilicet, quod prædict' O. & A. recognouerūt tenementa predict' cum pertinentijs esse ius ipsius W. vt illa quæ idem W. & N. habent de dono præd' O. et A. Et illa remisser̄ & quiete clamauer̄ de ipsis O. & A. & hered' ipsius A. præd' W. & N. & hered' ipsius W. imperpetuum. Et præterea ijdem O. et A. concesser̄ pro se et hęred' ipsius A. quod ipsi warrantizabunt pred' W. & N. & hered' ipsius W. pred' tenementa cum pertinen̄ contra pręd' O. & A. & hered'. ipsius A. imperpetūm. Et pro hac &c. Warrantie.

A fine knowledged by two husbands and their wiues of 2. messuages, and 2. gardens, with seuerall warranties.

A PRæcipe G. E. & R. vxori eius A. I. & K. vxori eius, quod teneant G. T. conuencionem &c. de duobus messuagijs, duobus gardinis, cum perrinentijs in K. &c. Et nisi &c. Sect. 121.

B ¶ Et est concordia talis, scilicet, qđ p̄d' G. et R. & A. & K. recognouer̄ tenta pred' cum pertinen̄ esse ius ipsius G. vt illa quæ idem G. habet de dono præd' G. & R. & A. & K. & illa remiserunt & quiete clamauer̄ de ipsis G. & R. & A. & K. & hæred' ipsorum R. & K. præd' G. & hæred' suis imppetuū. Et pręterea ijdē G. & R. cōcesser̄ p se & hered' ipsi' R. Warrantie. 2.

quod ipſi warrantizabunt præd' G. & hæred' ſuis prædict' tenementa cum pertinentijs contra prædict' G. & R. & hæred' ipſius R. Et vlterius ijdē A. & K. conceſſerunt pro ſe et hæred' ipſius K. quod ipſi warrantizabunt præd' G. et hęred' ſuis præd' tenemētum cum pertinentijs contra præd' A. et K. et hæred' ipſius K. imperpetuum. Et pro hac &c.

Nota que Dyer chiefe Iuſtice dit que ſi les femmes fuſſent ſoers que adonques il ne beſoigne double garrantie in forme auantdit, mes ſingle garrantie eſt aſſets bone.

A fine knowledged by the husband and his wife, to a man and his wife of one meſſuage, one gardein, one orchard, one barne, one ſtable, one wharfe &c. with warrantie.

Sect. 122.

PRæcipe R. I. et H. vxori eius quod iuſte &c. teneant A. I. et K. vxori eius conuenciones &c. de vno meſuagio, vno gardino, vno pomario, vno horreo, vno ſtabulo, vna wharfa, & vna acra boſci cum pertinentijs in K. ſuper T. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet, quod prædict' R. et H. recognouerunt tenementa prædict̄ cum pertinentijs eſſe ius ipſius K. vt illa quæ ijdē A. et K. habent de dono prædict̄ R. et H. Et illa remiſer̄ et̄ quiete clamauer̄ de ipſis R. et H. et hęred' ſuis prædict̄ A. et K. et hæred' ipſius K. imperpetuum. Et præterea ijdem R. et H. conceſſerunt pro ſe et hæred' ipſius H. quod ipſi warrantizabunt præfat̄ A. et K. et hæred' ipſius K. pręd' tenementum cum pertinen̄ contra præfat̄ R. et H. et hęred' ipſius H. imperpetuum. Et pro hac &c. B

Warrantie.

A Fine knowledged by an Earle and his wife, to W. C. of a rent of 40. li. going out of diuerſe mannors with warrantie.

Sect. 123.

PRæcipe F. comiti H. & domine K. vxori eius comitiſſe H. quod iuſte et ſine dilacione teneant W. C. aī conuenciones &c. de 40. li. redd' exeunt̄ de manerijs de B. S. &c. Et niſi &c. A

¶ Et eſt cō cordia talis, ſcilicet, quod prædict̄ comes & comitiſſa recognouerunt reddit̄um prædict' cum pertinentijs eſſe ius ipſius W. vt illa quę idem W. habent de dono præd' comitis & comitiſſe. Et illa remiſer̄ & quiete clamauerunt de ſe & hæred' ſuis præfat̄ W. et hæred' ſuis imperpetuum. Et præterea ijdem comes & comitiſſa concedunt pro ſe & hæred' ipſius comitis quod ipſi warantizabunt reddit̄ predict̄ cum pertinentijs præfat̄ W. & hæred' ſuis contra omnes homines imperpetuum. Et pro hac &c. B

Warrantie.

A Fine knowledged by the husband and the wife, and one R. D. to one R. B. of one manor &c. one messuage called M. &c. with warrantie who graunt and render the same againe to R D. one of the Conusors for tearme of xxi. yeares, to beginne at a time to come, reseruing a rent: and afterwardes the Conusees graunt the reuercion of the said mannor &c and the reuercion to one of the Conusors and his wife, & to the heire of the husband, to hold of the chiefe Lords of the fee &c.

A PRæcipe I. F. & B. vxori eius & R. D. qd' iuste &c. tenent R. B. conuenciones &c. de manerio de C. & I. cum pertinentijs ac de duobus messuagijs vocat' B. 20. messuag', 40. acris terræ, 100. acris prati, 500. acris pasturæ, 200. acris bosci, & 40. acris iampnorum & brueræ cum pertinentijs in W. F. Et nisi &c. Sect. 124.

B ¶ Et est concordia talis, scilicet quod prædict' I. B. et R. recogn̄ prædict' manerꝰ et tenementum cum pertinentijs esse ius ipsius R. B. vt illa quæ idem R. habet de dono prædict' I. & B. & R. et illa remiserꝰ et quiete clamauerꝰ de se et hæred' suis prædict' R. & hæred' suis imperpetuum. Et præterea ijdem I. et B. concesserunt pro se & hæred' ipsius I. quod ipsi warrantizabunt prædict' R. et hæred' suis præd' manerium et tenementum cum pertinentijs contra omnes homines imperpetuū. Et pro hac &c. idem R. concessit prædict' R. præd' manerꝰ & tenementum cum pertinen̄ & illa ei reddiderꝰ &c. Habend' & tenend' prædict' R. a festo sancti Michaelis archang. quod erit in Anno domini 1563. vsque ad finem termini xxj. annorum extunc proxim̄ sequen̄ et plenarie complend', Reddend' inde annuatim prædict' R. & hæred' suis quandam annualem Reddit' xxvij. li. & vj. s. legalis monete Angliæ ad festum Sancti Michaelis Archangeli, & Annunciationis beatæ Mariæ virginis per equales porciones annuatim soluend' proxima solucione inde incipient' ad festum Sancti Michaelis Archangeli quod erit in Anno domini 1563. Et si contingat prædict' reddit' xxvij. li. vj. s. a retro fore in parte vel in toto ad aliquod festum festorum prædict' quo vt profertur solui debeat. Quod tunc bene licebit præfat' R. & hæredibus suis in prædict' manerium et tenementa cum pertinentijs intrare et distringere, districtionesque sic inde capt' & habit' licet abducere, asportare et effugare ac penes se retinere quousque de prædict' redd' de xxvij. li. vj. s. cum areragijs eiusdem si quæ fuerint plenarie fuerit satisfact' & persolut': Concessit etiam idem R. prædict' I. et B. reuercionem maneriorum & tenementorum prædict' cum pertinentijs ac prædict' reddit' superius express' & reseruat' & illa eis reddiderunt &c. Habendum & tenendum eisdem I. et B. & hæredibus ipsius I. de capitalibus dominis feodi illius per seruicia &c.

Warrantie.

The terme & the beginning thereof.

Rent.

Clause of distresse.

The graunt of the reuercion and the rent to the husbād & the wife (being the Conusors) & to the heires of the husband.

Fines and Concords.

A fine knowledged by the husband and his wife to one I.L. esquier of 2. manors 4. messuages, 6. cotages, one dowehouse &c. with warrãtie, in consideratiõ whereof the Conusee graunteth a rent of 30. li. to the husbãd & his wife & to the heires of the husband, the said rent to begin to be payable at Michelmas, & the Annunciation of our Ladie, which next shall happen after the death of the Conusor & C. his now wife or anie other which afterwards shall happen to be his wife, with a clause of distres for the said rent if it be behind, and having bene lawfully demaunded.

Sect. 125.

PRæcipe R. P. & I. vxori eius quod teneant I. L. arñ A
conuencionem de manerijs de A. et W. cum pertinẽtijs ac de quatuor messuag', sex cotag', vno columbario, 200. acris terræ, 40. acris prati, 300. acris pasturæ, 20. acr̃ bosci, 20. acris iamporum & bruere cum pertineñ in W. et W. Et nisi &c.

¶ Et est concordia talis, scilicet, quod prędict' R. P. et I. vxor eius re- B
cogñ mañ & tenementa præd' cum pertinentijs esse ius ipsius I. vt illa quæ idem I. habet de dono prædict' R. P. et I. vxor̃ eius. Et illa remiser̃ &c. Et præterea &c. Et pro hac &c. idem I. L. concessit præfat̃ R. et I. vxori eius & hæred' prædict' I. annualem reddit̃ 30. li. soluend' ad duos anni terminos consuet̃ viz. ad festum S. Michaelis Archangeli, & Annunciationis beatæ Mariæ virginis per equales porciones, prima solucione inde incipiente ad festum sancti Michaelis Archangeli, aut Annunciationis beate Mariæ virginis quod proxiñ contigerit post mortem prędict' L. & C. nunc vxor̃ eius existeñ vel alicuius alterius quam imposterum eius vxor̃ fore contigerit. Et si contingat prædict' annualem reddit̃ 30. li. aretro fore in parte vel in toto post aliquod festũ festorum p̃d' quo vt profertur solui debeat non solut̃ per spacium &c. si licite petatur quod tunc &c.

A rent graunted by the Conusors.

When the rẽt shall begin to be payable.

A clause of distres for the Rent after it hath beene lawfully demaunded.

A fine knowledged by the husband and the wife to H.C. of the third parte of a Rent issuing out of a mannor with warrantie against all men.

Sect. 126.

PRæcipe R. & I. vxori eius quod iuste &c. teneant H. A
C. conuencionem &c. de tertia parte v. li. vj. s. viij. denariorum reddit̃ cum pertinentijs exeunt̃ de manerio de K. Et nisi &c.

¶ Et est concordia talis, scilicet, quod præd' R. & I. recognouer̃ ter- B
tiam partem reddit̃ præd' cum pertineñ esse ius ipsius H. vt illa quæ idẽ H. habet de dono præd' R. et I. Et illa remiser̃ & quiete clamauerunt de se & hæred' ipsius I. præf. H. & hæred' suis imperpetuum: Et prẽterea ijdem R. & I. concesser̃ pro se & hęred' ipsius I. qd̃ ipsi warantizabunt prẽf. H et hęred' suis præd' tertiam partem reddit̃ præd' cum pertineñ contra omnes homines imperpetuum. Et pro hac &c.

Warrantie.

A

A Fine knowledged by the husband and his wife, to one T. H. of the third parte of 34. acres of meadow by these words viz. Concesserunt & reddiderunt &c. *during the wiues life, with warrantie also during her life.*

A PRæcipe H. P. & M. vxori eius quod teneat T. H. conuencionem &c. de tertia parte, 34. acrarum prati, 40. acrarum pasturæ, & 20. acrarum bosci, cum pertinentijs in S. Et nisi &c.

Sect. 127.
A fine sur release de dower per le husbād & le femme.

B ¶ Et est concordia talis, scilicet, quod prædict' H. et M. concesserunt & reddiderunt tenementa prædict' cum pertinen̄ pręfat̄ T. & hæred' suis durante vita ipsius M. Et prædict' H. & M. warrantizabunt tenta p̄dict' cum pertinen̄ pręfat̄ T. & hæred' suis durante tota vita ipsius M. Et pro hac &c.

The estate.

The warranty.

A Fine knowledge by V. K. knight to I. S. knight E. G. the Quenes Attourney generall and others of two mannors: 70. messuages, and cotages &c. which the Ladie V. widow hath for her life of the inheritaunce of the Conusor the daie of the concord made: and after her death is to reuert to the Conusor, the which by this fine after the death of the said Ladie V. is wholly to remaine to all the Conusees in the fine, and to the heires of the said I. S. knight, the first of the Conusees in the said fine, with warrantie against all men.

A PRæcipe V. K. milit̄ quod teneat I. S. milit̄ E. G. attornat̄ nostrum generalem, R. W. armig' & W. K. gen̄ conuencionem &c. de manerijs de H. alias de Prior̄ H. & M. alias Prior̄ M. ac 70. mesuagijs & cotagijs.

Sect. 128.
A fine of reuercion after the death of tenant in Dower.

B ¶ Et est concordia talis, scilicet, Quod prædict' V. recognouerunt maneria tenementa et reddit̄ prædict' cum pertinentijs esse ius ipsius S. Et concessit pro se & hæred' suis quod maner̄ tenementa & reddit̄ prædict' cum pertinentijs quæ dña V. K. vidua tenet ad terminum vitæ suæ de hæreditate prædict' V. die quo hæc concordia facta fuit. Et quod post decessum eiusdem dominæ V. ad prædict' V. & hęred' suos debuere reuerti, quod post decessum ipsius I. S. dominæ V. integre remanere prædicto I. E. R. & W. et hæred' ipsius I. S. imperpetuū. Et præterea idem V. concessit pro se & hæred' suis quod ipse warrantizabit maner̄ tenementa & reddit̄ prædict' cum pertin̄ pręfat̄ I. E. R. et W. & hæred' ipsius I. S. contra omnes homines imperpetuum. Et pro hac recognicione &c.

The widowes estate, in the Conusors enheritance.

The reuerciō graūted to the said Conusees & to the heirs of one of them &c.

A fine knowledged by a widow and one other to the Preſident and ſchollers of S. Iohns colledge in Oxon of the Scite and principall houſe of the colledge, commonly called the White Friers in the Suburbes of Oxon. and 6. meſſuages, 6. gardens, 6. orchards &c. alſo in the ſame Suburbes with warrantie.

Sect. 129.
A fine ſur cognisance de droit.

PRæcipe I. P. vidue & E. P. geñ quod iuſte &c. teneat W. E. Preſidenti collegij S. Iohannis Baptiſte in Academia Oxoñ & Scholaſticis eiuſdem collegij conuenc' &c. de Scitu & principali domo collegij vnlgariť nuncupať the White Friers in Suburbijs ciuitatis Oxoñ cum pertinentijs, ac de 6. meſuagijs, 6. gardinis, 6. pomarijs, 20. acris terræ, duobus acris prati, & ſex acris paſturæ cum pertineñ in Suburbijs ciuitať præd'. Et niſi &c. A

¶ Et eſt cõcordia talis, ſcilicet quod prædict' I. & E. recognouerunt teñta prædict' cum pertineñ eſſe ius ipſius Preſidentis & Scholaſticorum vt illa quæ idem preſes & Scholaſtici habent de dono prædict' I. et E. Et illa remiſeř & quiete clamaueř de ſe & hæred' ipſius E. præfať Preſidi & Scholaſticis & ſucceſſoribus ſuis imperpetuum: Et præterea ijdem I. et E. conceſſerunt pro ſe & hæred' ſuis, quod ipſi warrantizabunt præfať Præſidi & Scholaſticis & ſucceſſoribus ſuis teneimenta prædict' cum pertineñ contra præfať I. & E. & hæred' ipſius E. imperpetuum. Et pro hac &c. B

Warrantie.

A fine ſur cognisance de droit. by two men and the wife of one of them, of lands, medow, and paſture, with warrantie againſt the Conuſors vnd the heires of the husband.

Sect. 130.

PRæcipe B. geñ T. R. et M. vxori eius quod teneant T. B. geñ conuencionem &c. de 30. acris terræ, duabus acris prati, tribus acris paſturæ, & 6. acris boſci, cum ptinentijs in C. Et niſi &c. A

¶ Et eſt concordia talis, ſcilicet quod præd' R. T. & M. recogñ teñta prædict' cum pertineñ eſſe ius ipſius T. B. vt illa quæ idem T. habet de dono præd' R. T. et M. Et illa remiſeř & quiete clamaueř de ipſis R. T. & M. et hæred' ipſius R. præfať T. B. & hæred' ſuis imperpetuũ. Et præterea ijdem R. T. et M. conceſſerunt pro ſe & hæred' ipſius R. quod ipſi warrantizabunt tenementa prædict' cum pertinentijs præf. T. B. & hæred' ſuis contra præd' R. T. et M. & hæred' ipſius R. imperpetuum. Et pro hac &c. B

A *fine knowledged by T. N. knight to G. T. Eſquier of one mannor, one meſſuage &c. with warrantie againſt all men.*

Sect. 131.
A fine ſur cognisance de droit.

PRæcipe T. N. militi qd' iuſte &c. teneat G. T. ař conuenc' &c. de manerio de T. cum pertineñ, ac de vno meſuagio, 100. acris prati, 50. acris paſturę, & 30. acř boſci, cum pertineñ in T. & G. Et niſi &c. A

¶ Et

¶ Et est concordia talis, scz. quod præd' T. N. recognouerunt manef & tenementa præd' cum pertiñ esse ius ipsius G, vt illa que idem G. habet de dono prædict' T. Et illa remisit & quiete clamauit de se & hered' suis p̃fato G. & hered' suis imperpetuum. Et preterea idem T. concessit pro se & hered' suis quod ipse warrantizabit maneria & tenta prædict' cum pertineñ prefato G. & hered' suis contra omnes homines imperpetuum. Et pro hac &c. Warrantie.

A Fine knowledged by T. M. and K. his wife, to G. S. of the third part of viij. messuages, vi gardens, &c. the which one M. B. widow holdeth for terme of her life, and which is of the inheritance of the conusors wife, the day of the Concord made, and which ought after the death of the said widow to reuert vnto the conusor and his wife, as in the right of his wife: and by this fine after the death of the said widowe being tenant for life, is to come and remaine to the said conusee and his heires for euer, with warrantie against all men.

A PRæcipe T. W. & K. vxori eius quod iuste &c. teneāt G. S. conuenciones inter eos fact' de tertia pte, octo messuag', 6. gardinorum, 6. acr̃ terre, decem acrarum prati, 20. acrarum pasture, 50. acrarum bosci cum pertineñ in A. B. C. &c. Sect' 132. A Fine of a reuersion after the death of tenāt in dower

B ¶ Et est concordia talis, scilicet, quod prædict' T. & K. recognouer̃ terciam partem prædict' cum pertinentijs esse ius prædict' G. Et concesser̃ quod eadem tertia pars cum pertineñ quam M. B. vid' tenet ad terminū vite sue de hereditate ipsius K. die quo hec concordia facta fuit, & que post mortem eiusdem M. ad ipsos T. & K. reuertere debet, rem̃ pref. G. & hered' suis imperpetuum. Tenend' &c. Et preterea ijdem T. & K. concesserunt pro se & hered' ipsius K. quod ipsi warrant̃ prefat̃ G. & hered' suis tertiam partem præd' cum pertiñ sicut præd' est contra omnes homines imperpetuum. Et pro hac &c. Warrantie.

A Fine knowledged by the husband and the wife to one I. I. of ix. messuages, ix. gardens &c. and of the moity of xx. messuages &c. one water mille, one douehouse &c. with warranty against all men. A Fine sur conusās de droit.

A PRæcipe I. P. gener̃, & E. vxori eius quod iuste &c. teneant I. L. conuenciones inter eos fact' de nouem messuagijs, nouem gardinis, trescent̃ acr̃ terre, cent̃ acris prati, cent̃ acris pasture, viginti acr̃ bosci, centum acris iampnorum & bruere &c. Ac de medietate viginti mesuagior̃, viginti gardinorum vnius molendini aquatici, vnius columbar̃, sexagint̃ acris terre, ducent̃ acris prati, trescent̃ acris pasture, sexagint̃ acris bosci, & trescent̃ acris iampnorum & brue- Sect' 133.

& bruere cum pertinentijs in N. B. C. D. &c. Et niſi &c.

¶ Et eſt concordia talis, ſcilicet, quod prædict' I.P. & E. recognouerunt præd' tenta & medietatem cum pertinentijs eſſe ius ipſius I. L. vt illa que idem I. L. habet de dono præd' I. P. & E. Et illa remiſer & quiete clamauer de ſe & hered' ſuis prefat I. L. & hered' ſuis imperpetuum: Et preterea ijdem I. P. & E. conceſſerunt pro ſe & hered' ipſius E. quod ipſi warrantizabunt prefato I. L. & hered' ſuis prædict' tenta & medietatem cum pertin contra omnes homines imperpetuū. Et pro hac &c.

The order of taking the knowledge of a Fine by Dedimus poteſtatē *directed to diuerſe, but the knowledge taken onely by two of the Commiſſioners, and the certifying thereof by the Commiſſioners that tooke the knowledge.*

After the Fine is acknowledged, the Commiſſioners muſt write vnder the Concord of the ſaid Fine, as followeth.

Capt & recognit die &c. Anno &c. coram A. B. armig', & C. D. gener virtute breuis dominæ Reginæ de *Dedimus poteſtatem* nobis & alijs direct.

Commiſſioners. { A. B. / C. D.

Then write vpon the backe of the Dedimus poteſtatem.

Reſponſ. A.B, Arm̃, & C. D. gener duorum Commiſſ. infra nominatorum.

Execucio iſtius Commiſſionis patet in quadam Schedula huic commiſſioni annex'.

Then muſt the Commiſſioners ſubſcribe their names.

A Fine knowledged by W. D. and I. D. to I. R. & I. D. of one meſſuage and one cottage in Ipſwich, with warranty againſt all men: In conſideration whereof the conuſees doe graunt and render the premiſſes to the ſaid I. D. one of the conuſors for terme of ſeauen daies next following, and afterwards the ſame premiſſes wholy to remaine to one M. G. for her life, and after her death the premiſſes wholy to remaine to the ſaid W. D. one of the ſaid conuſors and his heires for euer.

Sect. 134. PRæcipe W.D. & I.D. quod iuſte &c, teneant I.R. gen̄, A & I.D. conuenc' de vno meſſuagio & vno cottagio cum pertin̄ in I. Et niſi &c.

¶ Et eſt concordia talis, ſcilicet quod præd' W.D. & I.D. recogn̄ tenementa prædict' cum pertinentijs eſſe ius ipſius I. vt illa que idem I. & I.

& I.D. habent de dono prædict' W.D. & I.D. Et illa remiſerunt & quiete clamauerunt de ſe & hered' ſuis prefat I. & I. & heredibus ipſius I. imperpetuum. Et preterea ijdem W. & I. conceſſerunt pro ſe & hered' ipſius I.D. quod ipſi warrantizabunt prefat I. & I. & heredibus ipſius I. tenementa prædict' cum pertinentijs contra omnes homines imperpetuum. Et pro hac recognicione &c. ijdem I. & I. conceſſerunt tenementa prædict' cum pertinentijs prefato I.D. Et illa ei reddiderunt in eadem curia. Habend' & tenend' eidem I.D. pro termino ſeptem dudierũ extunc proxim̃ ſequen̄. Et poſt termin̄ illum finit̄ prædict' tenementa cum pertinentijs integre remanebunt cuidam M.G. Habend' & tenend' eidem M. tenend' de Capitalibus &c. tota vita ipſius M. Et poſt deceſſum ipſius M. prædict' tenementa cum pertinentijs integre remanere prefat W.D. & hered' ſuis imperpetuum. Tenend' de Capitalibus &c. Warrantie. The render.

A Fine knowledged by the husband and his wife to H.S. Eſquire, of two meſſuages, two Wich houſes, two ſhoppes, two Chambers, one Stable, and xx. acres of land &c. with warranty againſt all men.

A HEC eſt finalis concordia fact' in curia dominæ Reginæ apud Ceſtriam die Lune ſeptimo die &c. Anno &c. inter H.S. querentem, & W.G. & S. vxorem eius deforceañ de duobus meſuagijs, duobus Salinis vocat̄ Wich houſes, alias Salthouſes duobus ſhopis, duobus cameris vno ſtabulo, decem acris terre 4. acris prati, & ſex acris paſture cum pertinentijs in &c. vnde placitum conuencionis ſummonitum fuit inter eos in eadem curia, Scilicet quod prædict' W. & E. vxor eius recognouerunt tenementa prædict' cum pertinentijs eſſe ius prædict' H.S. vt illa que idem H.S. habet de dono prædict' W. & E. Et illa remiſerunt & quiete clamauerunt de ſe & heredibus ſuis præfat H. & heredibus ſuis imperpetuum. Et preterea prefat W. & E. conceſſerunt pro ſe & hered' ipſius W. quod ipſi & hered' prædict' W. tenement̄ p̄dict' cum pertinen̄ prefat H. & hered' ſuis warrantizabunt & hered' ſuis imperpetuum. Et pro hac &c. Sect' 135. A Fine ſur conuſãs de droit.

A Fine knowledged before the Iuſtices of the Common pleas at Weſtminſter of two meſſuages, one toft 80. acres of land &c. with warrantie againſt all men.

A HEc eſt finalis Concordia fact' in Curia domini Regis apud Weſtmonaſter in octabis ſancti Martini, Anno &c. coram E.M. W.S. H.B. & I.H. Iuſtic' et alijs dñi Regis fidelibus tunc ibi preſentibus inter R.B. arñ, I.L. geñ, et R.L. geñ. Quer̄ & H.D. & deforceañ de duobus meſſu- Sect' 136.

meſuagijs, vno tofto, 80. acris terre, xx. acris prati, 40. acris paſture, & tribus acris boſci cum pertinentijs in H. & W. vnde placitum conuencionis ſummonitum fuit inter eos in ead' curia, ſcilicet quod prædict' H. recogñ prædict' tenementa cum pertinentijs eſſe ius ipſius R.B. vt illa que ijdem I.R.I.&R. habent de dono prædict' H. Et illa remiſerunt & quiete clamauer̃ de ſe & hered' ſuis prædict' R.I.& R.& hered' ipſius R. imperpetuum. Et preterea idem H. cõceſſit pro ſe & hered' ſuis quod ipſe warrantizabit I. & R. & hered' ipſius R. prædict' teñta cum pertiñ contra omnes homines imperpetuũ. Et pro hac recognicione remiſſione, quiet̃ clamantia warranto fine & concordia ijdem R.I.& R. dederunt prædict' H. 38. li. ſterlingorum.

Warrantie.

A Fine knowledged by R.H. of P. to R.B. of the manor of I. with warranty againſt the conuſor and his heires.

Sect' 137.

PRæcipe R.H. de P. arm̃, quod iuſte teneat R.B. R.H. A
&c. conuencionem inter eos fact' de manerio de I. alias I. cum pertiñ ac de 40. meſſuag', 500. acris terre, 100. acris prati, 500. acris paſture, 100. acris boſci, 100. acris more & mariſci cum pertinentijs in I. alias I. W. & N. Et niſi &c.

¶ Et eſt concordia talis, ſcilicet quód prædict' R. H. recognouit ma- B
neria ac teñta præd' cum pertinentijs eſſe ius prædict' R.B. vt illa que ijdem R. &c. habent de dono ipſius R.H. Et illa remiſit & quiete clamauit de ipſo R. & hered' ſuis prefat̃ R. &c. & hered' ipſius R.B. imperpetuum.

Warrantie.

Et preterea ijdem R. H. conceſſit pro ſe & hered' ſuis quod ipſe warrant̃ maneria & teñta præd' cum pertiñ pref. R. &c. & hered' ipſius R. imperpetuum. Et pro hac &c.

This is the Fine as it is engroſſed of Record, whereof the Fine next before is but the note.

Sect' 138.

HEc eſt finalis concordia fact' in cur̃ dominæ Reginæ Ceſtrie apud A
Ceſtr̃ die Lune &c. viz. 4. die Septembris Anno &c. coram I.T. ar̃, Iuſtic' dictæ dominæ Reginæ Ceſtr̃ apud Ceſtriam & alijs dictæ dñæ Reginæ fidelibus tunc ibidem preſentibus. Inter R.B. R. H. & H. H. quer̃ & R.H. de P. arm̃, deforcien̄ de manerio de I. cum pertineñ ac de &c. vnde placitum conuencionis ſummonitum fuit inter eos in eadem curia, ſcilicet, quod R.H. recognouerit man̄ & tenementa præd' cum ꝑtineñ eſſe ius prædict' R.B. vt illa que ijdem R. R. & H. habent de dono ipſius R.H. Et illa remiſer̃ & quiete clamauerunt de ipſo R. & hered' ſuis præfato R. &c. et hered' ipſius R.B. Et preterea ijdem R.H. conceſſit pro ſe & hered' ſuis quod ipſe warrantizabit manerium & teñta præd' cum pertineñ prefat̃ R.R. & H. & hered' ipſius R.B. imperpetuum. Et

pro

pro hac recognicione warranto, fine & concordia ijdem R.&c. dederunt præf. R. H. centũ libras Argenti.

The nine Proclomations of the Fine next before made according to the ſtatute of 2. Ed. 6. made for Fines with Proclamations with in the County Palantine of Cheſter.

¶ Prima Proclamac' fact' fuit die Mercurij iſta eadem Seſſione, Secunda proclamac' facta fuit die Iouis iſta eadem Seſſione: Quarto proclamac' fact' fuit in plena Seſſione hic apud &c. tent die &c. Anno &c. Et ſic de ceteris &c.

Three Proclamations in euery Seſſions.

A Fine knowledged by A. B. to T. F. and G. H. of a Manor with warrantie againſt all men: And the conuſees in the ſame fine graunt and render againe the ſaid manor to the ſaid A. B for one weeke, and afterwards to N. M. for xxi yeres to begin after the feaſt of Saint Martin the Biſhop, in winter reſeruing a red roſe at Midſomer, if it be asked. And after the end of the ſaid terme of xxi. yeres, the ſaid manor &c. wholy to remaine to the ſaid A. B. the conuſor and his heires for euer.

A PRæcipe A. B. quod iuſte &c. teneat T. F. & G. H. conuenciones de manerio &c. Et niſi &c. Sect' 139.

B ¶ Et eſt concordia talis, ſcilicet, quod prædict' A. recognouit tentum prædict' cum pertin eſſe ius ipſius T. vt illa que idem T. & G. habent de dono prædict' A. Et illa remiſer et quiete clamauer de ſe & hered' ſuis prefat G. et hered' ſuis imperpetuum. Et preterea idem A. conceſſit pro ſe et hered ſuis quod ipſe warrantiz abit tenementa prædict' cum pertinentijs præfat T. & G. et hered ipſius T. contra omnes homines imperpetuum. Et pro hac &c. ijdem T. & G. conceſſerunt & in eadem curia reddiderunt tenta prædict' cum pertinen præfat A. pro vna Septimana. Et poſt terminum illum finit tenementa cum pertinen integre remanere N. M. & aſſignat ſuis pro termino xxj. annorum poſt feſtum ſancti Martini Epiſcopi in hieme proxiũ futur immediat ſequent & plenarie complend'. Reddend' inde annuatim prefat T. & G. & hered' ipſius T. durante toto termino præd' vnam rubram roſam ad feſtũ Natiuitatis ſancti Io. Bapt ſi petatur. Et poſt terminum illud finit tenementa prædict' cum pertinen integr remanere prædict' A. & hered' ſuis imperpetuum &c.

Warrantie.

The render.

Rent.

Remainder in fee to the conuſor.

A Fine knowledged by R. B. of two meſſuages &c. to I. A. with warranty againſt all men: and the conuſee graunteth the premiſſes againe to the conuſor for one weeke, & afterwards to one W. B. for life reſeruing a rent, and afterwards to the conuſor for his life, & after to S. B. his wife for her life, and after to I. B. ſonne of the conuſor and his wife for life: and afterwards

wardes the ſaid conuſee graunteth the reuerſion of the premiſſes and the rent to the ſaid R.B. the conuſor and his heires for euer.

PRæcipe R.B. geñ quod iuſte & teneat I.A. conuencionem &c. de duobus meſuagijs &c. Et niſi &c. A

Sect. 140. ¶ Et eſt concordia talis, ſcilicet quod prædict' R. recognouit teñta p- B
dict' cum pertineñ eſſe ius ipſius I.A. vt illa que idem I. habet de dono
præd' R.B. Et illa remiſerunt & quiete clamauerunt de ſe et hered' ſuis
Warrantie. prefat' I. et hered' ſuis imperpetuum. Et preterea idem R.B. conceſſit p ſe & hered' ſuis quod ipſe warrant' teñta præd' cum pertiñ præf. I.A. & hered' ſuis contra omnes homines imperpetuum. Et pro hac recognicione &c. idem I. conceſſit præfat' R.B. &c. et illa ei reddiderunt in eadē
The Render. curia. Habend' et tenend' tenementa præd' cum pertiñ prefat' R.B. pro
termino vnius Septimane, et poſt terminum illum finit' remanere W.B.
Rent. pro termino vite ipſius W.B. Reddend' inde per Annum prefat' I.A. et
hered' ſuis xl.li. adquatuor Anni terminos viz. ad &c. per equales porciones ſoluend'. Et poſt deceſſum ipſius R.B. reñ inde S.B. vxor' præd' R. pro termino vite ipſius S. Reddend' vt ſupra. Et poſt deceſſum ipſius S.B. reñ inde I.B. filio præd' R. pro termino vite ſue reddend' inde vt ſu-
The graunt of the reuerſion and the rent. pra: Nec non prefat' I.A. conceſſit prefat' R.S. reuerſionem & reddit' tenementorum præd' cum pertiñ & illa ei reddiderunt in eadē curia. Habend' & tenend' reuerſionem & reddit' teñt' præd' cum pertiñ eidem R.S. & hered' ſuis imperpetuum. Tenend' de Capital' dñis feodi &c.

A Fine of a rent iſſuing out of vi. meſſuages, and vi. gardeus, with warrantie againſt all men.

Sect. 141. PRæcipe W.A. & A. vxori eius quod iuſte &c. teneant A
R.B. conuenc' de vno annuali reddit' de v.li. exeuñ de
& in ſex meſuagijs, vj. gardinis cum pertinentijs in L. Et
niſi &c.

¶ Et eſt concordia talis, ſcilicet quod præd' R. recognouit manerī præd' B
cum pertineñ eſſe ius ipſius H. vt illa que idem H. habet de dono præ-
dict' R. Et illa remiſer' & quiete clam de ſe & hered' ſuis imperpetuum.
Et præd' R. conceſſit pro ſe & hered' ipſius W. quod ipſi warrant' red-
dit' præd' cum pertineñ præfat' R.B. & hered' ſuis imperpetuum contra
omnes homines. Et pro hac &c.

A Fine knowledged by R.L. of a manor &c. to H.C. with warranty againſt all men. In conſideration whereof the conuſee by the ſame fine graunteth to the conuſor and his heires, one annuity of viij.li. iſſuing out of the ſame manor, to be paied yerely at the manſion houſe of the ſaid conuſor, at a certaine day and hower, impoſing a paine of xviij.s. to be forfaited in default of paiment of the ſaid annuity with a clauſe of diſtreſſe for the ſaid annuity and paine.

Præcipe

A PRæcipe R.L. quod iuſte &c. teñ H.C. conuenc' &c. de manerio &c. in O. &c. Et niſi &c.

B ¶ Et eſt concordia talis, ſcilicet, quod prædict' R. recogñ manerium & tenement' præd' cum pertiñ eſſe ius ipſius H. vt illa que idem H. habet de dono præd' R. & illa remiſer & quiete clamauer de ſe & hered' ſuis imperpetuum: Et preterea præd' R. conceſſit pro ſe & hered' ſuis quod ipſe warrant' manef præd' cum pertiñ pref. H. & hered' ſuis contra omnes homines imperpetuum. Et pro hac &c. præd' H. conceſſit præd' R. quandam annuitatē ſiue annualem reddit' viij. li. legalis monete Angliæ exeuñ & exitur de & in manerī prædict' cum pertineñ & ill'ei reddiderunt in ead' Cur: Habend' & percipiend' præd' annuitatem ſiue annual' reddit' viij. li. prefat' R. hered' & aſſignat' ſuis in viij. die Septembris inter horam nonam et duodecimam ante merid' eiuſdem diei apud domum ſuam manſionalem in villa de R. in coñ S. ſoluend'. Et ſi contingat pd' annuitatem ſiue annualem reddit' viij. li. aretrofore in parte vel in toto p ſpac' xx. dierum poſt præd' viij. diem Sept' in quo vt profertur ſolui debeat non ſolut'. Quod tunc prædict' H. & hered' ſui forifac' eidem R. & hered' ſuis xviij. s. legalis monete Angliæ nomine pene toties quoties pdict' annuitat' ſiue annualem reddit' aut aliquam inde partem aretrofore contigerit, Et bene licebit præfato R. et hered' ſuis in præd' manerī cum pertiñ & in quamlibet inde parcellam intrare & diſtringere tam pro pdict' annuali reddit' octo librarum & pro qualibet inde parcella quam pro præd' xviij. s. nomine pæne eid' R. et hered' ſuis forisfact' toties quoties ſic a retrofore contigerit non ſolut' diſtrictioneſque ſic ibidem capt' & habit' liceat abducere aſportare & effugare & penes ſe retinere quouſque tam de prædict' annuitate ſiue annuali reddit' octo librarum quam de prædict' xviij. s. nomine pene quoties ſic forifact' fuerit idem R. & hered' ſui fuerint ſatisfact' & pſolut'.

Sect' 142.

Warrantie.

The graunt of an Annuity.

The day houre & place of payment of the ſaid annuitie.

Clauſe of diſtreſſe for the annuity and the penalty.

A Fine knowledged by A.B. Eſ. of ij meſſuages &c. to S.H. in taile generall to hold of the conuſor and his heires by the xl. parte of a knights ſee, and xv. s. iiij d. rent, with warranty againſt all men.

A PRæc' A.B. ar', quod iuſte &c. teneat S. H. conuenc' de duobus meſuagijs &c. cum pertiñ in M. Et niſi &c.

Sect' 143.

B ¶ Et eſt concordia talis, ſcilicet, quod præd' A.B. conceſſit teñta præd' cum pertiñ prefat' S. & hered' de corpore ipſius S. legitime procreat'. Tenend' de dño A. & hered' ſuis per quadrageſimam partem vnius feod' milit', & per reddit' xv. s. iiij. d'. per annum ad feſtum &c. annuatim ſoluend'. Et preterea pred' A. conceſſit pro ſe & hered' ſuis quod ipſe warrant' tenementa prædict' cum pertinentijs prefat' S. et hered' de corpore ſuo legitime procreat' ſicut prædict' eſt contra omnes homines imperpetuum. Et pro hac &c.

An eſtate in general taile.

The tenure ree

Warrantie of the eſtate taile

A Fine

Fines and Concords.

A Fine knowledged by A. B. and M. his wife, of a manor &c. to S. P. reciting that where the ſaid conuſors hold the ſaid manor for the life of the ſaid M. the reuerſion therof to the ſaid conuſee and his heires belonging, the ſaid conuſors graunt to the conuſee all that their eſtate in the ſaid manor during the life of M. one of the conuſors, with warranty againſt thē during the life of the ſaid M.

PRæcipe A. B. & M. vxori eius quod iuſte &c. teneant S. P. cõuencionem &c. de manerꝰ &c. Et niſi &c. A

Sect' 144. ¶ Et eſt concordia talis, ſcilicet quod cum prædict' A. & M. habeat & teneat pro termino vite ipſius M. maner' p̃d' &c. cum pertineñ reuerſioñ inde prædict' S. P. & hered' ſuis ſpectañ ijdem A. & M. conceſſerꝰ præd' S. manerꝰ prædict' cum pertineñ, & totum & quicquid in manerio præd &c. habent eid' S. durante vita ipſius M. Et prædict' A. & M. warrantizabunt prædict' S. & heredꝰ prædict' S. manerium &c. cum pertinentijs ſicut prædict' eſt contra prædict' A. & M. durante tota vita ipſius M. Et pro hac &c. B

A Fine knowledged by I. C. and T. his wife of ij. meſſuages, one barne &c. to one H. P. with warrãty: And the ſaid H. P. in conſideration of the ſaid fine graunteth and rendreth againe by the ſame fine, the premiſſes to the conuſors for one day, and afterwards to I. P. widowe for her life and after her death the preſſes wholy to remaine to H. P. and his heires for euer.

PRæcipe I. C. & T. vxori eius quod iuſte &c. teneant H. conuenc' &c de duobꝰ meſſuagijs, vno horreo &c. Et niſi &c. A

Sect' 145. ¶ Et eſt concordia talis, ſcilicet, quod prædict' I. et T. recognouerũt tenementa prædict' cum pertineñ eſſe ius ipſius H. vt illa que idem H. habet de dono prædict' I. et T. Et illa remiſerunt & quiete clam̃ de ſe & hered' ſuis prefat̃ H. & hered' ſuis imperpetuum. Et preterea prædict' I. & T. conceſſerunt pro ſe & hered' ipſius I. quod ipſi warrañ tenementa prædict' cum pertineñ prefat̃ H. & hered' ſuis contra omnes homines imperpetuum. Et pro hac recognicioñ &c. prædict' H. conceſſit tenementa prædict' cum pertineñ prefato I. & illa eis reddideꝰ in eadem curia: Habend' & tenend' eiſdem I. & T. pro termino vnius diei. Ita quod poſt eundem terminum finiꝰ, tenementa prædict' cum pertineñ integre remaneꝰ I P. vid' pro termino vit̃ eiuſdem I. Et poſt mortem prædict' I. meſſuag' & horreum prædict' &c. integre remanere H. P. & hered' ſuis imperpetuum. Tenend' de capitalibus dominis feodi illius &c. Et quinque acras terre, & vnam acr̃ prati, cum pertinentijs reſid' tenementorum prædict' integre remanere A. P. & hered' ſuis imperpetuum. Tenend' &c. B

Warrantie.

The Render.

The taking of the knowledge of the Fine.

A CApt̃ et recognit̃ corã Iacobo Dyer milit̃ capitali Iustic' de Cõmuni banco Anno regni Reginæ nunc secundo.

Notes to be obserued in Fines.

1 Nota que aſcun foits pluſors choſes paſſa en le Præcipe q̃ ne ſont noſme en le concord.

2 Nota q̃ vn clauſe de Reentrie ne poit eſtre en vn fine.

3 Nota q̃ ſi home purchaſe diuerſe parcels de terr̃ de diuerſe homes il purroit paſſer touts les parcels en vn common fine, mes couient que il auer ſeueral garranties de cheſcun de les parties pur lour ſeueral parcelles.

4 Nota que Catlyn chiefe Juſtice del banke le roy dit que ſouth noſme de bois, haut bois & Subbois paſſera en vn fine.

5 Nota que per Dyer vn Render ne poet eſtre fait mes tãtum a luy que eſt noſme en le fine: mes vn remainder poet eſtre limitted a vn, per fine coment que il ne ſoit noſme en le Præcipe.

A fine knowledged by the husband and wife vnto two of 30. meſſuages, of landes, paſture, wood, linge, heath, and rent in diuers places: The Conuſees render the ſame againe to the ſaid Conuſors for terme of their two liues, with diuers remainders ouer after there deaths in generall taile to the children of the ſaid Conuſors. And for default of iſſue of the ſaid Conuſors to the right heires of the wife of the Conuſor for euer.

A HEC eſt finalis concordia facta in curia domini regis apud Weſtmoñ in craſtino Aſcenſionis domini Anno regni Henrici octaui dei gratia Angliæ & Franciæ regis fidei defenſoris, & domini Hiberñ a conqueſtu decimo nono coram R.B. A.F. T.E. & W.S. Iuſtic'. Et poſtea in octabis ſancti Trinitatis Anno regni eiuſdem regis Henric' ſupradicti ibidem conceſſer̃ & recordat̃ coram eiſdem Iuſtic' & alijs domini regis fidelibus tunc ibî præſentibus. Inter W.H. & I.R. quer̃ & I.S. & T. vxorem eius, deforc' de triginta meſuagijs, ducentis acris terre, treſcentis acris paſturæ, decem acris boſci, ducentis acris Iampnorum & bruere, & triginț ſolidat̃ redditus cum pertinentijs in P. F. &c. vnde placitum conuencionis ſum̃ fuit inter eos in eadem curia, ſcilicet, quod prædicti I.C. et T. recogn̄ prædict' tenement̃ cum pertinentijs eſſe ius ipſius I. R. vt illa quæ ijdem I. & W. habẽt de dono prædictorum I.C. et T. Et illa remiſerunt & quietum clamauerunt de ipſis I. C. & T. et hæred' ipſius T. prædictis W. et I. R. imperpetuum. Et præterea ijdem I.C. & T. conceſſerunt pro ſe & hæred' ipſius T. quod ipſi warrant̃ prædictis W. & I. R. & hæred' ipſius I. R. prædict' tenement̃ cum pertineñ contra omnes homines imperpetuum. Et pro hac recogn̄, remiſſione quieta clam̃, warrant̃ fine & concordia ijdem W. & Sect. 146.

Warrantie generall.

The render.

I.R. concesserunt prædictis I.C. & T. prædicta tenement̃ cum pertineñ Et illa eis reddiderunt in eadem curia. Habend' & tenend' eisdem I. C. & T. de capitalibus dominis feod' illius per seruicia quæ ad prædictum tenement̃ pertineñ tota vita ipsorum I. C. & T. & alterius eorum diutius viuentis. Et post decessum ipsorum I.C. & T. prædict' tenement̃ cum pertiñ integre remañ I.C. filio prædictorum I.C. & T. & hered' de corpore suo legitime procreat̃ tenẽd' de capitalibus dominis feod' illius per seruicia quæ ad prædict' teñt̃ pertinent̃ imperpetuum. Et si contingat quod idem I.C. filius obierit sine hæred' de corpore suo legitime procreat̃ tunc post decessum ipsius I. prædict' teñta cum pertineñ integre remañ R. C. alter filiorum prædictor̃ I.C. patris & T. & hæred' de corpore suo legitime procreat̃ tenend' de capitalibus dominis feod' illius per seruicia quæ ad prædict' teñt̃ pertineñ imperpetuum. Et si cõtingat idem R. obiere sine hæred' de corpore suo legitime procreat̃ tunc post decessum ipsius R. prædict' teñta cum pertineñ integre remanere hæred' de corporibus prædict' I.C. patris & T. legitime procreat̃. Tenend' de capitalibus dñis feod' illius per seruicia quæ ad prædict' teñt̃ pertinent imperpetuum. Et si nullus hæres de corporibus prædictorum I.C. patris & T. fuerint̃ legitime procreat̃ tunc prædict' teñt̃ cum pertineñ integre remañ rectis hæredibus prædict' T. Tenend' de capitalibus dominis feod' illius per seruicia quæ ad prædict' teñta pertineñ imperpetuum. ✻

¶ Adiuncts of Concords.

Sect. 147. The Adiuncts of a Cõcord, be also of two sorts: Internall, and Ex- A
ternall Internall be such as be conteyned within the very Concord it selfe. Of which sort be the clause of reseruation of seruice, rent,
Reseruation. or other thing, the clause of nomine penæ, the clause of distresse, and the
Nomiñ penæ. clause of warranties: All which clauses of reseruations, nomine pe-
Distresse. næ, distresse, and warrantie, are to be made in such words, and in such formes, as the like are made in Instruments extraiudiciall: for which see Leases and Graunts of rents charge in the first part of Symboleography, If the following example do not sufficiently satisfie your desire herein.

Warrantie. And Warranties be sometimes generall, that is to say, against all B
men: Some against all, except certein persons: some against certein persons onely: some against euery Cognizor, and his heires seuerally: and some against one of the Cognizors, and his heires onely: some of all the lands in the fine: some of all, except part: and some of part only, certeinly expressed.

The External Adiuncts of Concordes be the licence of aliena- C
nation, the Dedimus potestatem, the examination of the parties, & the cognizance.

sognizance. The licence of alienation is a power or auctority giuen by her Maiestie to the parties, that lands may be alienes without incurring the danger of contempt. Licence. Alienation.

D And euery such licẽce is either to alien lands holden in Capite, or to alien lands into Mortmaine.

E The licence of alienation of lands holden in Capite may varie from the fine, and be good, 32. H.8 Br. Alienations 4.30.

F For the obtayning of which licence the Clerke of the licences doth vse to draw a dogket in paper, conteyning the effect of the fine, feoffement, or other deeds, whereby the alienation is to be made. Dogket.

G And thereupon affidauit or composition must be made for the value of the lands, which are to passe thereby, which is to be signed by the Doctor of the Chauncery that hath power to take oath: Then the Queenes fine is to be paied to the Receiuor of fines, who will signe the dogket: And afterwards the same is to be signed by two of the cõmissioners of the office of fines & licences, and vpon that dogket, the Clark of the licences is to make the licence, and get it sealed with the great Seale, which licence is to be made in fourme following. Affidauit.

A licence of Alienation of lands holden in Capite.

A ELizabeth dei grãtia &c. Omnibus, ad quos præsentes literæ peruenerint salutem. Sciatis, quod nos de gratia nostra speciali, ac pro tribus libris nobis solut̃ in hanaperio nostro, concessimus, ac licẽtiam dedimus, ac per præsentes concedimus, ac licentiam damus, pro nobis & hæredibus nostris, quantum in nobis est, dilecto nostro I.F. quod ipse totam medietat̃ manerij de C. cum pertinentijs, ac quadraginta mẽsuag', viginť cotag', quadraginť gardiñ, quinquaginť acras terræ, quadraginť acras prati, trescenť acr̃ pasturæ, xxx. acr̃ bosci, trescenť acr̃ moræ, & viginti libr̃ reddit̃, cum pertinentijs in W. & alibi in comitatu nostro N. eidem medietˉ pertinenť siue spectanť, parcell' inde reputat̃ aut accept̃ existeñ, quæ de nobis tenentur in Capite, dare posit & concedere, alienare, vendere, barganizare, feoffare, warrantizare, aut cognoscere, per finem in curia nostra coram Iusticiarijs nostris de communi banco, aut aliter, seu aliquo quocunque modo, dilecto nobis E. R. Habendum & tenendum eidem E. hæredibus & assignatis suis, de nobis & hæredibus nostris, per seruic' inde debita & de iure consueta imperpetuum: Et eidem E. quod ipse dictam medietat̃ manerij prædicti, ac cæterorum præmissorum cum pertinentijs a præfato I. recipere posit, & tenere, sibi, hæred', & assignatis suis, de nobis & hæredibus nostris, per seruitia prædict' imperpetuum, sicut prædictum est, tenore præsentium similiter licentiam dedimus, ac damus specialem: Nolentes quod prædict' I. aut hęredes sui, vel prędict̃ E. hæredes Sect. 148.

vel assignati sui prædicti, ratione præmissorum, per nos hæredes vel successores nostros, Iusticiar, Eschaetor, Vicecoñ, Balliuos, aut alios officiarios seu ministros nostros, hæredum vel successorũ nostrorum quoscunque inde occasionentur, molestentur, perturbentur, vexentur, in aliquo, seu grauentur, aut eorum aliquis occasionetur, molestetur, perturbetur, vexetur in aliquo, seu grauetur. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipsa apud Westmonasterium vltimo die &c.

A licence to alien in Mortmaine.

Sect. 149. ELizabeth dei gratia &c. Omnibus &c. Sciatis quod nos de gratia nostra speciali, ac pro xl. solid' nobis solut̃ in hanaperio nostro, concessimus, ac licentiam dedimus, ac licentiam damus, pro nobis & hæred' nostris, quantum in nobis est, R. S. quod ipse Aduocationem de L. Abbati & Conuentui de L. in comitatu E. dare possit & concedere: Tenendum sibi & successoribus suis de dict̃ domina Regina & hæredibus suis, in liberam, puram, & perpetuam Elemosynam imperpetuum. Ac eisdẽ Abbati & Conuentui, quod ipsi Aduocationem illam a præfato R. S. recipere, & Ecclesiam illam appropriare, & eam sic appropriatam in proprios vsus tenere possint sibi & successoribus, de ipsa Regina & hæredibus suis, in liberam, puram, & perpetuam Elemosynam imperpetuum: Nolentes &c. *vt supra.* A

Quod permittant finem leuari.

Sect. 150. AND after that such licence is had, the vse was (which is not now in vse) to haue a writ, mencioning the licence and the effect of the fine, directed to the Iustices of the common Place, commaunding them, quod permittãt finem illum leuari, Registr̃ fol. 167. a. 1. E. 3. cap. 12. 34. E. 3. cap. 15. 33. H. 6. fol. 2. The fourme of which succeedeth. A

¶ Regina, Iusticiarijs suis de banco, salutem: Cum per literas nostras patentes, de gratia nostra speciali, concesserimus I. S. quod ipse de manerijs suis de F. & W. cum pertineñ, quæ de nobis tenentur in Capite, feoffare possit K. &c. (recitando totam cartam) prout in literis nostris prędictis plenius continetur, ac breue nostrum de conuentione pẽdeat coram vobis in banco prędicto, inter prædictos I. & K. de manerijs prædictis, ad finem inde inter eos, secundum legem & consuetudinem regni nostri Angliæ leuand', vt accepimus: Vobis mandamus, quod finem illum inter partes prædictas de manerijs prædictis, coram vobis in eodem banco leuari permittatis, iuxta tenorem literarum nostrarũ prędictarum. Teste &c. B

But before 20. H. 3. the kings tenant in Capite might haue alicned his free landes without licence, 14. H. 4. 3. 20. Ass plac. 17. as it seemeth.

The

The writ of Ad quod damnum.

A BVt before the graunting of any such lycence, either to alien lands holden in chiefe, or, to alien lands in Mortmain, or, release right in Mortmain, or exchange, the auncient vse was to haue a writ of Ad quod dampnum, conteyning the substance of the Kings licence out of the Chancery, directed to the Escheator in the County wherein the lands lie, to be aliened, to inquire and certifie into the Chancery, what damage or preiudice thalienation thereof will be to the king, or the other chiefe Lord, of whom they are holden, And of what tenure and value the lands be, And whether there remayne sufficient free land besides those to the alienor, to sustaine publique charges, and to be in Assises and Juries &c. Sect. 151.

B And this is as well where the alienation is made by the king, or by a Corporation, or a feme couert, as by any other.

C The like inquirie by writ of Ad quod damnum, hath beene vsed before the king made any graunt, or pardon, for alienation, lease, release, confirmation, or licence, and after the Inquisition returned and certified into the Chancery, to effect the same accordingly, Fitzh. Nat. bre. fol. 221. & inde vsq; fol. 227.

D But now experience is to the contrarie, in liew whereof the vse at this day is, to put in the kings patents, these words: Absq; aliquo breui de ad quod damnum, seu aliquibus alijs breuibus, seu mandatis, superinde habendis, fiendis, aut prosequendis.

E And one writ of Ad quod damuum will serue for diuers purchases, And a licence to alien in Mortmain of one king, will serue in the time of an other.

F But not so of lands holden in chiefe, 22. E. 3. Fitzh. Nat. bre. in breui de Ad quod damnum.

I purposely omit here the forme of such writs de Ad quod damnum, because they be so growen out of vse.

Of a Pardon for Alienation.

A BVt if perchance any alienation of land holden in Capite, be made without licence, a pardon must be sued, the fine of which is the value of lands by one yeare, and the meane profites betweene the Inquisition and the pardon, 31. H. 8. Br. Alienation 29. vnlesse the Commissioners will more fauorably compound for the same, as in some cases vpon reasonable cause shewed, they vse to do, which pardon being purchased, the purchasor is to hold his land still, 14. H. 6. 26. 50. Ass. p. 2. 1. E. 3. ca. 12. 34. E. 3. ca. 15. Sect. 152. A fine of pardon.

B But the fine of a licence, to alien lands holden in Capite, is, the third part of the yearely value thereof, 26. H. 8. Br. Alienation 29. Fine of, a licence.

C But if alienation of lands into Mortmain be made without licence, Mortmain.

the king may seise them as forfeited or escheated, Magna charta cap. 36. Westm̃ 2. cap. 32. And for a licence thereof to be graunted, the fine thereupon to be paied, is the value of the land by three yeares, 26. H. 8. Br. Alienation 29.

Variance. But variance betweene the licence and the fine is not materiall, if it be all one alienation, 32. H. 8. Br. Alienation 30. D

Releas. And it seemeth that a fine sur releas, or other releas, is none alienation, & therefore no fine due for the same, P. 37. H. 8. Br. Alienation 31. E

Recoueries. But fines are payable, and licences to be sued vpon common Recoueries, 39. H. 6. 32. H. 8. ca. 1. 4. E. 3. F

Will. Deuise by will is an alienation, 3. Ma. 1. Br. Alienation 37. G

Of the Dedimus potestatem to take cognizance of a fine.

Sect. 153. A Dedimus potestatem to take knowledge of a Fine, is, as afore-said, a writ Commissionall directed to one, or moe, giuing them power to take and certifie to the Iustices of the common Place, the cognizance of the Cognizees, when they can not conueniently trauell to do it in Court, and it ought to recite the substance of the writ of Couenant, And beare Teste or date after it, Fitz. nat. fol. 146. g. The forme of the writ of Couenāt, & Dedimus potestatē, with the returnes thereof, ensue: A

The writ of Couenant. Elizabeth dei gratia, Angliæ, Franciæ, & Hiberniæ Regina, fidei defensor &c. Vicecom̃ Ebor̃ Salutem: Præcipe T. B. armigero, & A. vxori eius, quod iuste & sine dilatione teneant W. P. gener̃, conuentionem inter eos factam de manerio de T. cum pertinētijs: Ac de duobus messuagijs, tribus cotagijs, quinq; toftis, vno columbar̃, quinque gardinis, quinque pomarijs, centum & decem acris terræ, quinquaginta acris prati, quinquaginta acris pasturæ, decem acris bosci, cētum acris iampnorum & bruer̃, quadraginta solidat̃ reddit̃, & communia pasturæ pro omnimodis animalibus, cum pertinentijs in W. & B. Et nisi fecerint, & prædictus W. fecerit te securum de clamore suo prosequend', tunc sumn̄ per bonos summonit̃ prædictos T. & A. quod sint coram Iusticiarijs nostris apud Westmonaster̃ in octab. Sancti Michaelis, ostensuri quare non fecerint, & habeas ibi sumn̄ & hoc breue. T. &c. xiij. die N. anno regni nr̄i quadragesi. B

And the fine thereof is entred vnder the writ, thus: C

Fine. Pro vigint̃ solid' solut̃ firmar̃ fine dominæ Reginæ virtute warrant̃ regij.

Then must the writ of Couenant be endorced thus: D

Indorsement. Per E. S. pro fine infrascr', qđ affid' quod ten̄t̃ infrascr̃ non exec' val' x. libr̃ per annum.

E. S.

The

E The Shirife returne.

F Pledg' de prof. Iohannes Doo.
Richardus Roo.

G Sumñ Iohannes Den.
Richardus Fen.

H The Commiſſ. of fines. W.L. T.W.
R. Eure armig' Vic'.

The Dedimus poteſtatem thereof.

I Elizabeth dei gratia Angliæ, Franciæ, & Hiberniæ Reg. fidei defenſor &c. Chariſſimo conſanguiñ noſtro Gilberto Comiti Saloꝑ, ac ꝑdicto ac fideli nro I.D. militi dño D. Necnon dilectis & fidelibus ſuis G. S. militi, & C.C. militi, Ac dilecto nobis W. Weſt armig', Salutẽ: Cum breue noſtr̃ de conuentione pendeat coram Iuſtic' nr̃is de banco, inter W.P. geneſ, & T.B. armigerum, & Annam vxorẽ eius de manerio de T. cum pertineñ: Ac de duobus meſſuag', trib' cotagijs, quinq; toft̃, vno columbar̃, quinq; gardinis, quinq; pomarijs, centũ & decem acris terrę, quinquaginta acr̃ prati, quinquaginta acris paſtur̃, decem acr̃ boſci, centum acr̃ iampnorum & bruere, quadraginť ſolidat̃ reddit̃, & coĩa paſtur̃ pro omnimodis animalibus cum pertiñ in W. & B. in Coĩn Ebor, ad finem inde inter eos corã Iuſtic' noſtris ꝑdict̃ in banco ꝑdict̃, ſecundum legem & conſuetudinem regni nr̃i Angl' leuand': Ac præfati T. & A. adeo impotentes ſui exiſtunt, qd̃ abſq; maximo corporum ſuorum periculo, vſq; Weſtm̃ ad diem in dicto breui contentum, ad cognitiones, quę in hac parte requiruntur, faciend', laborare non ſufficiunt vt accepimus: Nos ſtatuim̃ eorundem T. & A. cõpatientes in hac parte, dedimus vobis, quatuor, tribus, vel duobus veſtrum, poteſtatem recipiend' cognitiones, quas ijdem T. & A. corã vobis, quatuor, tribus, vel duobus veſtrum, facere voluerint de præmiſſis, Et ideo vobis, quatuor, tribus, vel duobus veſtrum, mandamus, quod ad præfat̃ T. & A. perſonaliter accedentes, cognitiones ſuas prædictas recipiatis, & cum eas receperitis, præfat̃ Iuſtic' noſtris inde, ſub figillis veſtris, quatuor, trium, vel duorum veſtrum, diſtincte & aperte reddatis certiores, vt tunc finis ille, inter partes prædictas, de præmiſſis, coram Iuſtic' noſtris prædictis in banco prædicto leuari poſsit, ſecundum legem & conſuetudinem ſupradictã, mittentes eiſdem Iuſtic' hoc breue, teſte meipſa apud Weſt, 14. die N. Anno reg. nr̃i triceſimo quinto.

Garth.

The name of the Turceſter.

K The ſaid Dedimus poteſtatem, muſt be indorſed, thus: Per dominum cuſtod' magni ſigilli Angl' ad Inſtanc' peteñ.

Fines and Concords.

The Lord keepers name. — Io. Puckering Cancel.

The Iuſtice of the circuit. — Fr. Beamont.

Retorn. Executio iſtius breuis patet in quad' ſchedula eid' annexa. L

The Præcipe and Concord which muſt be filled to the Dedimus poteſtatem.

Bꝛe conuenc'. Ebox. ſſ. PRæcipe T. de P. armigero, & A. vxori eius, quod iuſte M
&c. teneant W. P. generꝝ, cõuentionem &c. de manerio de T. cum pertinenꝝ, Ac de duobus meſuagijs, tribus cotagijs, quinque toftis, vno columbarꝝ, quinque gardinis, quinq; pomarijs, centum & decem acris terræ, quinquaginta acris prãti, quinquaginta acris paſture, decem acris boſci, centum acris iampnorũ & bruere, quadraginta ſolidaꝝ redd', communia paſturæ pro omnimodis animalibus cum pertinentijs in W. & B. Et niſi &c.

Et eſt concordia talis, ſcilicet, qđ prædicti T. & A. recognouerunt N
prædict' manerium, columbare, tenementa redditus & cõmuniam paſture cum ptinen, eſſe ius ipſius W. vt illa quę idem W. habeat de dono prædictoꝝ T. & A. Et illa remiſerunt & quiete clamauerunt de ipſis T. & A. & hæredibus ipſius T. præd' W. & hæredibus ſuis imperpetuum. Et præterea ijdem T. & A. conceſſerunt pro ſe & hæred' ipſius T. quod ipſi warrantꝝ præd' W. & hæred' ſuis præd' manerium, columbarꝝ, tenementꝝ, reddiꝝ & communiam paſture cum pertinenꝝ, contra ſe & hered' & aſſignꝝ ipſius T. ac contra hered' & aſſignꝝ I. B. armigerꝝ, ac contra omnes homines clamantꝝ ſeu habentꝝ aliquod ius, titulum, ſtatum, vſum, intereſſe, aut demand', de, aut, in eiſdem manerio, columbarꝝ, tenemento, reddiꝝ, & communia paſturꝝ cgm pertinentijs, aut de, aut, in, aliqua inde parcel', per, de, vel, ſub eiſdem T. & I. hæred' vel aſſignꝝ ſuis, vel, hæredũ ſeu aſſignatꝝ eorum alterius: Et pro hac &c.

Capꝝ & cogniꝝ apud K. in Comitatu Eborum, decimo nono die Ia- O
nuarij, Anno regni Reginæ Elizab. &c. quadrageſimo, coram,

The Commiſſioners names — G. Shrew. W. Weſt. P

The names of the parties. — T. B. A. B. Q

Dedimus poteſtatem ſuper breue de conſuetꝝ & ſeruicijs pro fine inde leuand'.

Regina &c. dilecto & fideli ſuo R. H. vni Iuſtic' ſuorum de Banco, R
Salutem, Cum breue noſtrum de conſuetudinibus & ſeruicijs, pendeat corã vobis, & ſocijs veſtris Iuſtic' noſtris de banco, inter W. B. armigerum, & E. A. armigerum de conſuetudinibus & ſeruicijs, quæ idem E.

eidem

eidem W. facere debet, de libero tenemento suo, quod de eo tenet in N. vt in homagijs, fidelitate, releuijs, & alijs, in comitatu S. Nosque ad petitionem prædictorum W. & E licentiam nostram eis dederimus inde cõcordand', ac præfat̃ W. & E. adeo impotentes sui existant, quod absque maximo corporum suorum periculo, vsque Westmonaster̃, ad diem in dicto breui nostro contentum, ad cognitiones, que in hac parte requirunt̃, faciendas, laborare non sufficiũt vt accepimus, nos statuim⁹ eorundem W. et E. compatientes in hac parte, dedimus vobis potestatem recipiendi cognitiones, quas ijdem W. et E. coram vobis facere voluerit de premissis: Et ideo vobis mandamus, quod ad præf. W. & E. personaliter accedentes, cognitiones suas prædictas recipiatis: Et cum eas receperitis, præfatos socios vestros inde distincte et aperte reddatis certiores, vt tunc finis ille inter partes prædictas de premissis, coram vobis & socijs vestris prædictis in banco prædicto, secundum legem & consuetudinem regni nostri Angl', leuari possit. Et habeas ibi tunc hoc breue T. &c.

Of the Queenes siluer.

A The Queenes siluer is the fine, which is paied vnto her Maiesty for her highnes licence of concord, which vpon writs of Couenant, be taxed after the rate following: That is to say, for landes of the yearely Sect. 154.

value of Li.	s.	d.	is paied Li.	s.	d.
3.	6.	8.	0.	6.	8.
5.	6.	8.	0.	10.	0.
7.	13.	4.	0.	13.	4.
8.	13.	4.	0.	16.	8.
11.	0.	0.	1.	0.	0.
12.	0.	0.	1.	3.	4.
14.	6.	8.	1.	6.	8.
15.	6.	8.	1.	10.	0.
17.	13.	4.	1.	13.	4.
18.	13.	4.	1.	16.	8.
20.	0.	0.	2.	0.	0.
22.	0.	0.	2.	3.	4
24.	6.	8.	2.	6.	8.

Euery 5. markes and 20. shillings, paieth fine ——— 6. s. 8. d. From 5. markes and 20. s. vnto 5. markes and 40. s. paieth —— 10. s. And aboue 5. markes & 40. s. vnto 10. markes and 20. s. paieth —— 13. s. 4. d. And in like proportion for all other fines.

And

And it is commonly entred by the Clerke of the Queenes siluer, in this forme.

Entrie of the Queens siluer.

Ebor. ss. I. W. dat Reginæ x. s. pro licentia concordandi cum E. W. armig' & I. vxore eius, de placito conuentionis, de vno messuagio, decem acris terre, decem acr̃ prati, & decem acris pasture, cum pertinentijs in D. reciting the substance of the writ. Et habent Cirographum per pacem admiss. coram R. W. vno Iusticiariorum dñæ Reginæ de banco, Iusticiar̃ in patria. B

Obseruations necessarie at the knowledging of Fines.

Sect. 155. The tytling of the note.

WHen a Fine is to be knowledged, it is meete, that before the parties come before the Iudges, or Commissioners, the titling of the writ of Couenant and Concord be faire written, according to the parties mindes, and duely examined, and also signed, or subscribed by all the Cognisors. A

Knowledge of the Cognisor.

It is also requisite that either the Cognisors be knowen to the Iusticces, or Commissioners, that must take the Cognisance thereof, or that some other credible person, knowen to him which taketh the cognisãce, who knoweth the partie, be present: And doe sufficiently informe the Iudge, that they be the selfe same parties, against whom the writ is brought: for some will couenously knowledge fines in the name of others that be owners of the land, 34. H. 6. fo. 19. B

Examination of wiues.

And if a Feme couert be cognisor, she must be perswaded to yeeld her consent and be fully agreed with, before she be examined, for in all cases, where a Feme couert is to depart with any thing by fine, she must be examined by the Iustices or Commissioners that take the cognisance, and confesse that she doth make cognisance freely, and not through feare or compulsion of any, before the cognisance will be accepted. But where she is to take benefit by a fine, she shall neuer be examined, 42. E. 3. 7. 3. H. 6. 42. 46. Ed. 3. 15. 8. H. 6. 4. 24. Ed. 3. 62. Statut̃ de Finibus 18. Ed. 2. C

Value.

Oath.

Also the yerely value of lands should be set downe vnder the Concord, And some honest person, which knoweth the land, brought thether, to make oath for the value thereof: For without such oath, or, composition, the fine can not passe. D

Composition

And composition with the Commissioners will not readily be made without oath, or some late fine, licence, or other matter of record, to informe the Commissioners of the value thereof: Which being done, the writ of Couenant is againe there to be entred, & the fine thereof (if it be fineable) must there be paied to the Receiuer, and then the writ must be signed by the said Commissioners, & that done, the said writ must be sealed, E

led, and returned with the Concord and Dedimus potestatē, if the cognisance was taken by Dedimus potestatē, and then the said writs must be taken out & signed by the Custos breuium, & thence they must be caried to the Clerke of the Queenes siluer, who must take a note thereof for the entrie of the Q. siluer, & signe the same again, and then must they be deliuered to the Chyrographer of fines, to be ingrossed and proclaimed. The examples whereof appeare in their apt places.

How, and when, cognisances of Fines must be certified, and what may hinder the same.

A If they, which haue taken cognisance of a fine, wil not certifie the same in conuenient time, a Cerciorari is to be awarded vnto them, comprehending the matter of the Dedimus potestatē, & commaunding them to certifie &c. which, if they doe not, there lieth against the Commissioners, an Alias, Pluries, and Attachment &c. Fitz. na br. 147. b. Sect' 156. Certificat.

B But they are not bound to certifie such recognisances, but within the yere after such caption thereof, but if they do, it is good inough, 23. Eli. ca. 3. And with euery such certificate they must certifie the day and yere wherein the same was knowledged. Thus, capt apud R. in cōm Ebor xx. die Octob. Anno regni Eliz. Reginæ tricesimo nono. Time.

C Else no Clerke or officer may receiue the same, but shall forfait for euery writ otherwise receiued v. li. 23. Eliz. ca. 3. If any of the parties to a fine die after recognisance thereof & before it be certified, it ought not to be certified, 1. H. 7. 9. 33. H. 6. fo. 52. Dier fo. 146. pl. 68. 7. Eliz. Forfaiture.

D But if such cognisance of a fine be certified, and the Queens siluer entred, the fine is good, and may afterwards be ingrossed, though it be in an other terme. Thus. Q. siluer.

E Hæc est finalis concordia facta &c. in craſt' Pur̄ beate Mariæ, & postea concessa & recordata in quindenà Paschæ Dyer fol. 220. pl. 15. & fol. 254. pl. 104.

If the Iustice or Commissioner, that hath taken the knowledge of a fine, die before it be certified, their executors or administrators may certifie the note of the fine, to the Iustices of the Common place, by writ of Cerciorari out of the Chancerie to them directed, 8. H. 4. 5. 1. H. 7. 9. Fi. nat. br. fol. 147. b. The forme of which Cerciorari is such. Iustice or cōmissioner dieth

Regina dilectæ sibi B. W. vid' executrici testamenti T. W. nup vnius Iustic' nr̄orum de Banco salut̄, volentes certis causis certiorari sup̄ quadam cognitiones cuiusdā finis inter T. D. & I. G. de vno mess. cum pt̄in̄ in T. in com̄ E. per præd' nuper Iustic' capt̄, ac in custodia tua ratione execuc' testamenti p̄d' existen̄ vt dicitur, tibi p̄cipimus qd' cognitionē p̄d' Iustic' nr̄is apud Westm̄ sub sigillo tuo distinctè & apte sine dilatione mittas, & hoc br̄e, vt ijdem Iustic' vlterius ad finem illum leuād' fieri fac' quod Cerciorari exec' Iustic' sup̄ cognitionem finis.

quod de iure,& ſecundum legem & conſuetudinem regni noſtri Angliæ fuit faciend', P. &c.

Iuſtice diſcharged.

In like maner, if a Iuſtice hauing taken cogniſance of a fine, be diſ- F
charged of his office, before he haue certified the ſame, he may not certifie it without a like writ, notwithſtãding that he be reſtored to his place againe, 8.H.4.5. 1.H.7.9.

And thereupon it hath bin vſed that a writ hath bin directed to the G
ſaid Iuſtices to receiue the ſame cogniſance, but I ſee no vſe thereof at this day, F.N.147.b

The kings death.

But if the king die after the Cogniſance taken, and before the certifi- H
ing thereof, the Iuſtices cannot then certifie, Nam per mortem ſeu dimiſſionem regis, ceſſat poteſtas Iudicis, 1.H.7.9. yet learne, for I think the ſtatute of 1.E.6.cap.7. doth remedy this miſchiefe, for the wordes thereof be theſe in effect, viz.

By the death and demiſe of any king, no action, bil, or plaint, that ſhal I
depend betweene partie and partie in any Court of record, ſhalbe diſcõtinued or put without day. But if the king die after the kings ſiluer is entred & before the fine be ingroſſed, the writ of Couenant may be reſummoned, and the fine engroſſed, 1.H.7.9.

Feme.

If a feme ſole by Dedimus poteſtatem, knowledge a fine, and before K
the returne thereof marry, this fine may be certified & engroſſed as of a feme ſole, becauſe the taking of her huſband after the fine knowledged is her owne voluntarie act, and ſuch fine ſhall barre her and her heires for euer, Dyer fo.246.pl.68.Mich.7.& 8.Eliz.

Signed.

Euery writ of Dedimus poteſtatem, to ſpiritual Commiſſioners for L
the taking of the cogniſance of fines, ought to be ſigned by the L.Chancellor, or L.Keeper, or chiefe Iuſtice of the Cõmon place, or the Iuſtice of the circuite where the land lieth.

Of thinrolement of writs of Couenant, Dedimus poteſtatem *and knowledges thereupon, which is termed the foote of the fine.*

Sect' 157.

Before thingroſſing of the fine by the Cirographer, the writ of Co- A
uenant, the writ of Dedimus poteſtatem, with the knowledges and notes of the ſame, muſt be inrolled in a roll to be of record for euer, to remaine in the ſafe cuſtody of the chief Clarke of the Cõmon place (which is Cuſtos breuiũ) & his ſucceſſors, who muſt haue xrii. d. fee for entring of the Concord, to thintent that if the notes of the fines in the cuſtody of the Cirographer be imbeſilled, execution may be had vpon the ſaid roll, 5.H.4.cap.14. Upon this Roll the Proclamations are endorſed and theſe notes are termed the foote of the fine. Dyer fol. 321. plac' 19. 15. Eliz.

Inrolment.

Cuſtos breuiũ Fee.

Imbeſelling.

Proclamatiõs.

The foote of the fine.

Of

Of the note of the Fine.

A The note of the fine, is a note thereof made by the Cirographer before it be ingrossed, which beginneth thus: Sect' 158. The note of the fine.

B Ebor'. ss. Inter A.B.quer',& C.D. deforc' de duobus messuagijs, duobus cottagijs, centum acr' terre,quadraginta acr' prati,viginti acr' pasture,vna acr' bosci,octo acr' Iampnor' & bruere, & vno denario reddit' cũ ptiñ in A.vnde placit' conuentionis sumñ fuit inter eos &c.scz. qd' pd' C.recognit tenta & redditus pd' cũ ptiñ esse ius ipsius A.& concessit pro se & heredibus suis,qd' præd' tenta & reddit' cum ptiñ, que pd' G.& I. tenent ad terminũ vite ipsius I.de hereditate pd' C.die quo hec concordia facta fuit,& que post decessum ipsius I.ad pd' C.,& heredes suos debuerunt reuerti,post decessum ipsius I.integre remanẽ præd' A.& heredibus suis,tenend' de capitalibus dominis feodi illius,per seruitia, que ad præd' tenta & reddit' pertinent, imperpetuum: Et pro hac recognitione,fine,& concordia,idem A.dedit pred' B.100.marcas sterl'. Upon which note,before the ingrossing of the fine (if it be of a remainder,reuersion,rent,or seigniory)writs of Quid iuris clamat,per que seruitia,or,quem redditum reddit, must be sued as the case requireth, Plo. fol.43.b.22.H.6.13.

Quid iuris clamat.

A Quid iuris clamat,is a Iudicial writ,and issueth out of the Recorde of the fine,remaining in the keeping of the Custos breuium of the common place,Plo.43.b.before it be ingrossed for after ingrossing, it cannot be had,Plo.fo.431.b.22.H.6.13.fo.Natu.br.147.a which lieth for the grauntee of a Reuersion or Remainder, when the particuler tenant wil not atturne,to enforce him to atturne, 22.H.6.13.Plo.431.b And it is made in this forme. Sect' 159.

B Rex vicecomiti salutem.Pr̃ tibi quod venire facias coram Iustic' nostris &c.tali die,G.& A. vxorem eius,ad cognoscendum quid iuris clamant in vno messuagio,& decem bouatis terre,cum pertinen in B.quæ tenta cum pertiñ M.que fuit vxor G.in curia nostra &c. concessit A.de B.per finem ibi inde inter eos factum.Et habeas &c. Suummons.

C And the finall cause of this writ of Quid iuris clamat is, that the grãtee,or cognisee of the reuersion or remainder, may by that attournemẽt of the particuler tenant,be enabled(if cause be giuen)to bring an action of wast,or,to auow for rent reserued,or seruices behinde, which he cannot doe without attournement, Plo.fo.431.b.22.H.6.13.

D Tenant in dower shall atturne, though the writ suppose her to be tenant for life,because she claimeth no greater estate then franktenemẽt, Hill 31.E.3.Fitz.Quid iuris clamat 3.yet it seemeth she thereby looseth her warranty,and aduantage to be newly endowed,if she be euicted,10. E.3. Tenant in dower.

E.3.Fitz. Quid iuris clamat &c.41.

Briefe. If a gift be for life, the remainder for life, the writ must mention the remainder, Hill' 3.E.3.15.E.3.Fitz.Fines 9. E

It is meete therfore to learne who are compellable hereby to atturne, and who not, and by whom. F

What persons may obtaine attournement by Quid iuris clamat, *and what not.*

Sect' 160. The grantee of a reuersion void of impediments, 34.H.6.b. Fit.na. br.fo.168.b.Fitz.nat.br.147.a A

Grauntee de reuersion.

Infant. But an Infant cannot, because, if a lease for life without impeachmēt of wast be pleaded in barre, he cannot confesse it, 43.E.3.5. contra 23. E.3.Fitz.Quid iuris &c.42. B

Nothing in the reuersion. If the cognisor haue nothing in the reuersion, the tenant shall not atturne, Lib.Intfo.536. C

Feme couert. A feme Couert without her husband, albeit the fine was leuied when she was sole, 11.H.4.7. D

Diuers. If there be diuers pleas, and one die hanging the plea, yet shall the tenant atturne to the rest, 48.E.3.32. E

Diuers. Or if diuers sue the writ, and one be nonsuit, yet attournement shall be vnto the other without summons and seuering of the other, 46. Ed. 3. 32. F

Abbot. Abbot auera attournement dun teñ pur vie sans mre licence & nest forfaiture, 17.E.3.7. G

Disseisor. If cognisee disseise the tenant of part, he shall haue no atturnement, 19.E.2.Fitz.Quid iuris &c.46. H

What persons be compellable to atturne by Quid iuris clamat, *and what not.*

Sect' 161. The writ of Quid iuris clamat, lyeth against the particuler tenant of the land for life, 34.H.6.b.Na.br.fol.168.b.Fitz.nat.fo.347.a 49.h. though he be but tenant for life of land holden in Capite or a feme couert, 45.E.3.11. A

T.for life.

Feme couert.

T.for yeres. And a tenant for yeres shall atturne, 3.H.4.3. B

T. in taile. But tenant in taile is not compellable because of the estate of inheritance which is in him, 38.E.3.20. Nor tenant in taile after possibility of issue extinct for the inheritance which was once in him, 43.Ed. 3. 1. 46.E.3.13.& 27. C

T.in taile after poss.

T.for life of lands in capite A particuler tenant of lands holden in Capite, is not compellable to atturne without sight of a licence of alienation, least his lands should be be subiect to a fine for the alienation, without licence, 45.E.3.6. D

Executors. If A. and B. haue an estate for ten yeeres, as executors, and B. haue E

fiue

flue yeres in reuerſion in his owne right, he muſt atturne, becauſe he is poſſeſſed of ỹ whole terme, & the atturnement of one executor of a terme is good enough, 32. E. 3. Fitz Quid iuris clam̃ 5. per Stanhoppe.

F But if A. leaſe to B. and C. for vi. yeres, and after confirme the eſtate of B. for life, the note of the fine ſhal make mention of B. onely, per Seton, 32. E. 3. Fitz. Quid iur̃ clam̃ 5. T. pur vie ouc A. pur ans.

G If tenant in dower, or, by curteſie, grant their eſtate, yet the Quid iur̃ clam̃ lyeth againſt them, for none but they can be tenant in dower, or by the curteſie, 18. E. 3. 5. T. Dower. T. Curteſie.

H If a leaſe for yeres with liuery, be vpon condition, that if the leſſee pay x. li. ſuch a day, or the leſſor die within the terme &c. he ſhall haue fee: If before the day the leſſor alien by fine, this tenant ſhall attourne (Saluis aduantagijs.) And yet if he pay the x. li. at the day, or, the leaſſor die during the terme, the leſſee ſhall haue fee, 6. R. 2. Fitz. Quid iuris clamat 20. T. for yeeres vpon conditiõ.

I If a Quid iuris clamat be againſt two, as tenants in comen, he which appeareth muſt atturne, if he plede not that they are ioint tenants, 16. E. 3. Fitz. Quid iur̃ clam̃ 21. Vers T. in cõmen.

K If a particuler tenant graunt ouer his eſtate after the note leuied, yet muſt he atturne, 17. E. 3. Fitz. Quid iur̃ clamat 11. After aſſignement.

L If the tenant attorne once vpon the grant of the cogniſor, he ſhall attorne no more, 4. E. 2. Fitz. Quid iur̃ clamat 45. Once attorne.

M If a ioint tenant, or, tenant in commen, of a reuerſion, graunt his part by fine, the particuler tenant ſhall not be compelled to attorne. 5. Ed. 3. Fitz. Quid iuris clam̃ 40. Ioint tenant. Tenant in commen.

N Upon a leaſe for life vpon condition, that if the leſſee die, within 20. yeres, that his executors, adminiſtrators, or aſſignes, ſhall hold vnto the end of 20. yeres, the leſſee ſhall attorne as tenant for life, with proteſtation to ſaue his intereſt. 16. E. 3. 20. E. 3. Fitz. Quid iur̃ clam̃ 22. 31. Tenãt for life vpon conditiõ

O If the reuerſion of 2. ioint tenants for life be graunted by fine, ſuppoſing thone to be ſole tenant, the tenant is not compellable to attorne, 32. E. 3. Fitz. Quid iuris clam̃ 5. per Seton. Ioint tenãt of a reuerſion.

P But tenant by Statute or Elegit ſeemeth not compellable to attorne; becauſe the cogniſor cannot compell him to accompt, and he may holde the lands after his ſumme ſatiſfied, vntil he haue leuied his damages, 6. E. 3. 53. Fitz. Fines 99. E. 3. Fitz. Quid iur̃ clam̃ 47. T. by Elegit.

Q Nor a tenant for life, where the huſband ſole is cogniſor of his wifes land: for if he do attorne, the wife ſurupuing her huſband may enter for forfaiture, 27. E. 3. Baron ſole cogniſor.

R And a Clark, which hath no lay fee, is not compellable to attorne, 38. E. 3. 28. A Clark

S Nor a tenant for life in reuerſion or remainder, 34. H. 6. b. Reuerſion.

Nor

Frankmariage — Nor tenant in frankmariage, Lib.intr̃, Quid iuris clamat 11. S

Infant. — Nor an Infant, 43.E.3.1. T

Ideot. — Nor a Lunatique, madman, or Ideot, as it seemeth, because of their disabilities. V

But attournement made by such persons, as are able, but not compellable to attourne, is good, 12.E.4.Natu.br.fo.170.b. W

With exception. — And an attornement may be with an exception, if the tenant haue a lease for life without impeachment of wast, as he may atturne sauing his aduantage, & it shalbe so entred, 45.E.3.11.24.E.3. X

Couenants. — If the tenant haue couenãts to repaire &c. 48.E.3.32. Or haue an Annuitie out of the land, 48.E.3.32. Or couenant of warrantie or acquitaile, 41.E.3.48. Or to felle trees, he may atturne, sauing these aduantages. Y

Annuitie. Warrantie. Acquitall. Graunt.

Rem in fee. — If A. seised of lands in fee, thereof infeoffe B. to thuse of the said A. for life, and after to thuse of his executors & assignes for xx. yeres after his death. And then to thuse of C. in fee, Quere if A. shalbe compelled to atturne in Quid iur̃ clamat, supposing him tenant for life onely, & not mencioning ỳ terme, without sauing of his terme by protestation, Dyer fol.309.pl.77.14.Eliz. Z

No view lieth in Quid iuris clamat, 15.E.4.28. &

What plees will barre the plaintife of atturnement.

Sect' 162. Seisin in fee. — If ỳ tenant plede that he is seised in fee the day of the note leuied without that, that he was then seised for life without shewing how he is so seised, 15.E.4.28. 1.H.7.27. A

The conusor had nothing. — Or if the tenant for life plede, that before the fine, an estraunger was seised in fee, and released vnto him in fee. Without that, that the recognisor had any thing in the lands, the day of the note leuied, 3.H.4.3. B

Nontenure. — If a perticuler tenant plede, he holdeth not of the cognisor the day of the note leuied, he must shew what estate he claimeth, and from whom, 3.E.3.6.Fitz.Quid iuris clamat 6. 14.E.3.Fitz.Quid iur̃ 9. C

Seisin in fee. — But if he claime fee, he shal not shew howe, 14.E.3.3.Fitz.Fines 7. but trauerse that he holdeth for life, 1.H.7.27. D

Sesi.de tali catu qual' &c. — Leassee for viii.yeres vpon condition, that if the lessor alien within the terme, he shall haue fee, cannot alleage that, and say that he claimeth estate according to the tenour of his deede, but must pleade his estate certainly, 2.E.2.Fitz.Quid iuris clamat 38. E

For parcell. — If the tenant confesse for part, and plede a plee which may forfait his estate therein, he must attorne by and by, 11.H.4.57. Contra 22.3.18. Fitz.Fines 33. F

Releas. — Release of the cognisor before the cognisans, to the heire, or his auncestors in fee, is a good barre, 44.E.3.34. G

If

H If leaſſee pur ans claime pur vie, & faile de ceo, il forfeit ſon terme, 6.R.2.Fitz.Quid iur̄ 20.Pleſingtons caſe. Forfeiture per t̄ pur ans.

What Proceſſe lie in a Quid iuris clamat.

A The Proceſſe, in a Quid iur̄ clamat, is ſummons & diſtres infinite, Natur.br.169.a.but if the tenant appeare, & plead no good barre, & yet will not atturne, he ſhall be impriſoned. 37.H.6.14. Sect.163. Proceſſe. Correction.

B But if the tenant diſclaime, and it be found againſt him, he ſhall atturne, 4.E.3.27. Diſclaimer.

C But if the tenant for life, yeares, in dower, by curteſie, or extent, by plea clayme fee, or fee taile, and it be foūd otherwiſe, he doth forfeit his eſtate, 15.E.4.28.nat̄ br̄ fol.168.b.

D And the tenant may atturne by dedimus poteſtatē, the forme whereof enſueth, Regiſt.167.b. Att. by De. Po.

Regina dilecto & fideli ſuo I.M. militi &c. Cum breue noſtrum de conuentione pendeat, coram vobis & ſocijs veſtris iuſticiarijs noſtris de banco, inter R.& P. de centum acris &c. quas I. tenet ad vitam ſuam de præfato P. ad finem inde inter præfatos R.& P. ſecundum legem & conſuetudinem regni noſtri Anglię, leuand', per quod vicecomiti noſtro Norff. per breue noſtrum mandauimus, quod venire faciat coram præfatis iuſticiarijs noſtris, prędictam I. ad diem in breui illo contentum, ad cognoſcendum quid iuris clamat habere in terra prædicta, ac præfata I. adeo impotens ſui exiſtat, quod vſque bancum prædict', ad diem ſibi datum, abſq; maximo corporis ſui periculo laborare iton ſufficit, ad cognoſcend' quid iuris clamat habere in terra prædicta: nos ſtatui ipſius I. compatientes in hac parte, dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum, quæ præfata I. coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, quod ad præfatam I. perſonaliter accedentes, cognitionem quam coram vobis in hac parte facere voluerit, recipiatis: Et cum eam receperitis, & ipſa coram vobis, prout moris eſt, ſe atturnauerit, prædictos ſocios veſtros de cognitione prędicta diſtincte & aperte certificetis, prędictum atturnamentum teſtificantes, vt finis ille, inter partes prædict', de terra prædicta coram vobis & ſocijs veſtris prædictis, in banco prædicto leuari poſſit, ſecundum legem & conſuerudinem ſupradictas, Et habeatis &c.

E By default after appearance, diſtring' ad atturnand' ſhall be awarded, 2.E.3.9. Default.

F Nonſuit in Quid iur̄ clam̄, is not peremptory, 18.E.3.Fitz. quid iur̄, 27.24.E.3.Fitz.quod &c.39. Nonſuite.

The writ of Summons in Quid iuris clamat, is after this maner.

A Elizab. Dei gratia &c. vic' Ebor̄ ſalutem: Pr̄ tibi, quod venire fac' coram Iuſtic' noſtris de banc, a die Paſch, in xv. dies, A, B. ad cognoſcend' Sect.164. Summons.

noſcend' quid iuſ clam̃ in vno meſſuagio, & decem acr̃ terr̃, cum pertineñ in B. quæ M.N. in cur̃ noſtra &c. conceſſit C.D. per finem ibi inde inter eos factum, & habeas ibi &c. T. &c. Upon which writ none Eſſoine lieth, 9.H.6.22. 33.H.6.5.

Eſſoine.

At the returne of which writ, the ſheriffe doth returne him ſummoned, thus endorced vpon the backe of the writ, B

Pleg. infra nominat̃ A.B. { I. M. / R. L.

E. R. vic'.

Default. And if the pt̃ appeare, and the tenant make default, the entree is thus: Pr̃ fuit vic' Eb. quod venire fac' hic a die Paſch. in xv. dies, A.B. ad cogñ quid iuſ clam̃ in vno meſſuagio &c. cum pertiñ in B. quæ M. N. in cur̃ Reg. hic conceſſit C.D. per finem hic inde inter eos factum: Et modo ad hanc diem veñ prædict' C. per H.I. attr̃ ſuum, & præd' A.B. non veñ, & manucapt̃ fuit per I.M. & K.L. C

Diſtr̃. Ideo ipſe in mia &c. Et pr̃ eſt quod diſtr̃ eum per omnes terr̃ & catalla ſua &c. Et qd' de exitibus &c. Et quod habeat corpus eius hic a die ſ. triñ in 3. ſept̃, ad cogñ in forñ præd' &c. Et idem' dies datur præd' C. hic &c. At the returne hereof none Eſſoine lieth becauſe it is Judicial. 9.H.6.22. 33.H.6.5. D

Eſſoine.

The diſtreſſe in Quid iuris clamat.

Elizabeth Dei gratia &c. vic' Ebor̃ ſalutem: Pr̃ tibi, quod diſtr̃ A.B. per omnes terr̃ & catalla ſua in balliua tua, Ita quod nec ipſe, nec aliquis per ipſum, eis manum apponat, donec aliud a nobis inde habueris præceptum, & quod de exitibus eorundem nobis reſpondeas, ita quod habeas corpus eius coram Iuſtic' noſtris apud Weſt', a die ſanct̃e trinit̃ in tres ſept̃, ad cognoſcend' Quid iuris clamat in vno meſuagio &c. cũ pertiñ in B. quæ M.N. in cur̃ nr̃a coram Iuſtic' nr̃is apud W. conceſſit C.D. p finem inde ibid' inter eos factum, & ad audiend' inde iudicium ſuum pro pluribus defaltis, Et habeas ibi hoc breue. Teſte &c. E

If at the day of the returne hereof the parties appeare, the entree is thus.

Alias, prout patet termino S. Trinitatis vltimo præterito, Ro. 60. continetur ſic. ſſ. Pr̃ fuit vic' E. quod diſtr̃ A.B. per omnes &c. vt ſupra in breui inde, vntill (& ad audiendum &c.) And then, Et modo hic ad hunc diem veñ tam præd' C.D. p atturñ ſuum præd', quam præd' A.B. in propria pſona ſua, & ſuper hoc idem E.B. petit andit̃ breuis præd', & ei legitur, petit etiam auditum note vnde breue præd' emanauit, & ei legitur in hæc verba, E. ſſ. inter C.D. quærent̃ &c. as the note is: And then if the tenant will atturne generally, the entree further is: Quia audita & intellecta, idem A.B. dicit, quod ipſe clamat tenere prædict' meſſua- F

Atturnement generall.

meſſuagium &c. ad terminum vitæ ſuæ, prout per notam prædictam ſupponitur, quodq; ipſe paratus eſt ſe præfat̃ C. D. inde atturnare, & ſe ei in curia hic inde attornauit, & cogn̄ &c. Et fecit fidelitatem, ideo finis inde ingroſſetur.

Dr if atturnement be made out of the Court, the cognizee may informe the Court thereof, and at his ſute then this entre ſhalbe. videlicet.

G Et modo hic ad hunc diem ven̄ prædictus C. D. in propria perſona ſua, & dicit quod prædictus A. B. atturnauit ei inde in propria perſona, & petit quod finis inde ſuo periculo ingroſſetur, ideo finis inde periculo ſuo ingroſſetur &c.

H **But if the Cognizee appeare, and will atturne ſpecially, it may be done in this maner. viz.** Præc' fuit &c. vt ſupra. **Reciting the proceſſe, and the tenant demaunding and hauing oyer, of the writ, and note of the fine, he may plead thus, viz.** Atturnement ſpeciall.

I Et ſuper hoc, idem A. dicit, qd' ipſe tenet tenta p̄dict' cum pertinēcijs ad terminum vitæ ſuę, ex dimiſſione M. N. per quandam chartam ſuam indentat̃, Cuius alteram part̃ ſigillis p̄dict̃ M. N. ſignat̃, idem A. hic in Curia ꝓfert, cuius tenor ſequitur in hæc verba. **This indēture made &c. rehearſing the whole Indenture,** & ſaluis ſibi omnibus aduantagijs & condicionibus ſcript̃ pred' dic', qd' ipſe paratus eſt prefat̃ C. D. de ten̄tis predict̃is, virtute notæ predict̃ attornare. Et p̄dict' C. D. non cogn̄ ſcript̃ prædict̃ dic', qd' ex quo idem A. B. tenet ten̄ta p̄dict̃ cum pertinentijs, ex dimiſſione p̄dict̃ M. N. ſecundum vim & effectum note prædicte, petit quod idem A. B. ſe inde ei atturnet &c. Et predictus A. B. dic' quod, ſaluis ſibi omnibus aduantagijs & beneficio ſcripti predicti, paratus eſt ſe inde eidem C. D. de tenementis prædictis atturnare &c. Et poſtmodo idem A. B. ſaluis ſibi aduantagijs ſcripti prędicti, ſe præfat̃ C. D. hic in cur̄ atturn̄, & cogn̄ &c. Et fecit ei fidelitatem &c. Ideo finis inde ingroſſ. &c.

K **But if the tenant will plead in barre, he may doe it thus, if he be tenant in franke-mariage:** Pr̄ fuit &c. vt ſupra. Barre.

L Et prædictus A. C. dicit, quod quidam P. N. pater pred' M. N. cuius heres ipſe eſt &c. per cartam ſuam dedit ten̄t prędicta cum pertinen̄ eidem A. B. in libero maritagio, cum E. filia ſua, ſaluand' ſibi reuerſionem &c. qui quidem E. obijt ſine exit̃ de corpore ſuo procreat̃, Et ſic dicit quod ipſe tenet tenementa prædicta per formam carte predict', Et quod reuerc' inde poſt mortem ſuam ſpectat ad predict̃ R. M. & petit iudiciuꝫ ſi ipſe de tali ſtatu ſuo ſe alicui inde atturnare debet &c. & profert hic in curiam cartam prædict̃, quod donum prædict̃ in forma præd' teſtatur &c. Et prædict̃ C. D. dicit, quod die, quo nota finis præd' leuauit, ſcilicet 9. die &c. prędict̃ A. tenet prædict̃ ten̄ta ad terminum vitæ ſuæ, Done in frāk-mariage.

prout per notam prædict' ſupponitur, abſq; hoc quod ipſe tunc tenuit tenementa prædicta in liberum maritagium, prout ipſe ſuperius allegauit, Et hoc petit quod &c. Ideo xij &c.

Or thus if the tenant clayme fee, or be not tenant.

Quibus lectis, idem A.B. dic', quod ipſe, virtute note præd', ſe præ- M
fat̃ C.D. atturnare non debet, quia quoad vnum meſſ. &c. quæ ſunt in prædict' villa de S. de tenꝫ præd' in nota prędict̃ contentis, idem A.B. dicit, quod ipſe, tempore leuacionis note illius, fuit ſeiſitus de predicto meſſuagio &c. in dñico ſuo vt de feodo, ex dono & feoffamento cuiuſdam L.T. ſibi inde facto: Abſq; hoc, qd' ipſe tempore leuationis notæ illius, tenuit medietatem illam ad terminum vitę tãtum, prout per notam illam ſupponitur. Et hoc &c. vnde petijt iudicium, ſi ipſe, virtute notæ p̃dict', ſe præfat̃ C.D. de prædictis meſſuagijs &c. atturnare debet &c. Et quo ad tenta p̃dicta, reſidua tenementor̃ in nota predict' contentor̃, idem A.B. dicit, quod ipſe, nec tempore leuationis notæ p̃dict̃, nec vnquam poſtea tenuit eadem tenemẽta, imo quod, W.A. qui adhuc in vita exiſtit, adtunc fuit inde tenens, vt de libero tento ſuo, & adhuc exiſtit. Et hoc &c. vnde &c. *vt ſupra.*

Et prædictus C.D. dicit, qd' ipſe ab attorn̄ prædict̃ A.B. virtute notæ prædictæ, habend' præcludi non debet, quia quo ad p̃dict̃ meſſuag' in L. prædict̃, idem C.D. dicit, quod prædictus A.B. tempore leuationis notæ illius, tenuit meſſuag' illud cum pertinẽtijs ad terminum vitæ ſuæ tantum, prout per notã illam ſupponitur. Et hoc petit qd' &c. Et prædict̃ A.B. ſimiliter: Et quoad tenementa prædict̃ reſidua dicit, qd' tempore leuationis notæ prædict̃, prædictus A.B. fuit tenens eorundem ad terminum vitæ ſuæ, prout per notam illam ſupponitur, Et hoc paratus &c. vnde petit iudicium, & qd̃ prædict' A.B. ſe inde atturnet.

Et prædictus A.B. dicit, qd' ipſe, tempore leuationis notæ prædict̃, non fuit tenens prædictor̃ reſiduorum tenementorum ad terminũ vitæ ſuæ, prout &c. Et de hoc &c. Ideo xij. &c.

Or thus where the Cognizor hath nothing in the Reuerſion.

P̃ fuit Vic' E. &c. *vt ſupra.* Omnibus lectis & auditis, idem A.B. di- N
cit, quod ipſe virtute notæ prædict̃, ſe præfat̃ C.D. atturnare non debet, quia dicit, quod p̃dict̃ M. N. qui recognouit tenementa prædicta cum pertinentijs eſſe ius ipſius C.D. &c. nihil habuit in Reuerſione eorundem tenꝫ cum pertinentijs, tempore leuationis notæ prædict', Et hoc paratus eſt verificare, vnde petit &c. *vt ſupra.*

Et prædictus C.D. dicit, quod prædict̃ A.B. tempore leuationis no- O
tæ prædictæ, ſcz. in octabis ſancti Hillar̃ &c. tenuit tenementa prædict̃ cum pertinentijs ad terminum vitæ ſuæ, Reuerſione inde poſt eius mortem præfat̃ M.N. qui recogn̄ &c. & hered' ſuis ſpectant̃, prout per notam predict̃ ſupponitur, Et hoc petit qd' inquiratur per patriam

Et

Et prædictus A.B. similiter. Ideo xij, &c.

But if the tenant claime an estate Taile by deuise, thus:

P Omnibus lectis & auditis &c. idem A. B. dicit qđ ipse, virtute notæ illius, se præfat̃ C. D. de tenẽtis prædict' atturnare non debet, quia dicit, quod antequam prædict' M. N. aliquid habuit in tenẽtis prædictis cum pertinentijs, quidam I. E. fuit seisitus de tenẽtis prædict' in dñico suo vt de feodo, quodq; eadem tenẽta cum pertineñ tenẽtur, & tempore leuationis notæ prædictæ tenebantur de W. S. in socagio per fidelitatem ei &c. idemq; I. sic inde seisitus existens, primo die Maij vltiñ præterito condidit testam̃ & vltimam voluntatem suam in scriptis, & per eãdem legauit præfat̃ A.B. tenẽta prædict' per noĩa &c. habend' sibi & hæred' de corpore suo legitime procreat̃: Et postea ibiñ obijt, post cuius mortem prędict' A.B. in tenẽta prædict' cum pertiñ intrauit, & fuit inde seisitus in dominico suo vt de feodo talliato, viz. sibi & hæred' per formam statuti & vltiñ voluntatis prædict'. Et hoc &c. vnde &c. Deuise in tayle.

Et prædictus C.D. dicit, quod ipse, per aliqua præallegata ab atturnamento prædict' A.B. virtute notæ prædictæ, prędudi non debet, quia dicit quod bene & verum est, quod prædict' I. E. fuit seisitus vt supra, prout in breui prædicto superius allegatur: Sed idem C.D. dicit quod idem I.E. per idem testamẽtum & vltimam voluntatem suam, inter alia legauit tenementa prædict' cum pertinentijs &c. per noĩa prędict', præfat̃ A.B. pro termino vitæ suæ, Et postea idem I.E. obijt, post cuius quidem I.E. mortem, idem A.B. in tenementa prædict' cum pertinentijs intrauit, & fuit inde seisitus in dominico suo vt de libero tenemento per formam testamenti & vltimæ voluntatis prædict', Absq; hoc, qd' idem I.E. per testamẽt̃ & vltimam voluntatem suam prædict', legauit præfato A.B. &c. vt supra, prout prædict̃ A.B. superius allegauit. Et hoc &c. vnde &c. Et prædict̃ A.B. vt prius dicit &c. *(vt supra in breui)* prout ipse superius allegauit. Et de hoc &c.

The tenant may atturne for parcell excepting the rest and plead thereunto.

Q Et modo ad hunc diem hic in curia venit, tam prædictus E.I. per W. W. Atturnatum suum, quam prædict' I.E. in propria persona sua, & super hoc prædict' E.I. p atturnatum suum prędict' petijt, qđ præd' I.E. ei inde atturnet &c. Et prædict̃ I.E. petit auditum breuis p̃dict', & ei legitur &c. Petit etiam auditum notæ finis, vnde br̃e p̃dict' emanauit, & ei legitur in hæc verba: Inter R. quęrentem, & P. deforciant̃ &c. rehearsing the whole note. Quibus lectis & auditis, idem I.E. quo ad tenta prędicta, exceptis decẽ acris in D. inde parcell', dicit qd' ipse paratus est p̃fato R. inde atturnare, Et se ei in curia hic atturñ de tenẽtis prædictis, exceptis prædict' decem acris terræ, Et cogñ &c. & fecit fidelitatem &c. Et quo ad prædict' decem acras terrę in D. idem I.E. dicit, qd' ipse tem- Atturnement for part, and plea to the rest.

pore leuationis notæ prædict̄, fuit seisitus de eisdem x. acris terræ cum ꝑtiñ, in dominico suo vt de feodo, absq; hoc qd' ipse, ꝑd' tēpore leuationis notę ꝑd', easdem x. acras terræ cum ꝑtiñ tenuit ꝓ termino vitæ tantū, ꝓut &c. Ideo finis inde ingrossetur, Dyer fo. 212. p. 35. 4. Eliz.

And when the tenant doth atturne, the note of the fine is to be deliuered to the Chirographer: And then must be written vpon the backe side of the same note ouerthwart, these words.

Infranoīat̄ A.B. attornauit se infrascript̄ C.D. virtute huius notæ, ꝓ- R
ut patet Trin̄ 39. Eliz. Rot̄ 9.

Atturney in Quid iuris clamat.

Sect. 165. VPon such a plea pleaded, that the tenant may forfeit his estate, he A
may make an Atturney, 21. E. 3. 48.

Or if the tenant suggest in Chancery that he will plead so as he for- B
feit his estate, he may make Atturney by Ded. pot. in forme following.

Elizab. dei gratia &c. dilecto & fideli suo Fr. B. &c. cum br̄e nostrum de conuēcione pendeat corā vobis & socijs vr̄is Iusticiarijs nr̄is de Banco, inter R. & P. de centum acris &c. quas I. tenet ad vitā suam de præfato P. ad finē inde inter ꝑfatos R. & P. secundū legem & consuetudinem regni nr̄i Angl', leuand', per qd', vic' nr̄o Ebor̄ per breue nostrum mandauimus, qd' venire fac' coram ꝑfatis Iusticiarijs nr̄is, præd' I. ad diē in breui illo contentum, ad cognoscend' quid iuris clamat habere in ten̄ra præd', Et ex parte dicti I. datum est nobis intelligi, qd' ipsa sup̄ finem præd' atturnare nō debet, eo qd', ante leuacionē note finis præd', quidam S. existen̄ seisitus de ten̄ra illa in dominico suo vt de feod', illam dedit ꝑfat̄ I. & hæred' de corpore suo, Et ipse ad diem sibi datum in banco ꝑd' materiā illam ad br̄e præd' placitabit, Et tamen adeo impotens est & senio confectus, quod vsq; bancum præd' ad diem sibi datum, absq; maximo corporis sui periculo, laborare non sufficit ad placitand' placitum illud, nos statui eiusdem I. compatientes in hac parte, dedimus vobis potestatem recipiend' atturnat̄, quem coram vobis in loco suo atturnare voluerit in hac parte, ad lucrandum vel perdendum, Et ideo vobis mandamus, quod ad prefat̄ I, personaliter accedent̄, atturnat̄, quem loco suo atturnare voluerit in hac parte, recipiatis, & de nomine eiusdē atturnati, nobis in cancellaria nostra, sub sigillo vestro, distincte & aperte constare faciatis, remittentes nobis hoc breue. Teste meipsa &c.

The returne of the same.

I. ponit loco suo A. B. atturnatum suum, versus R. in placito in qnid C
iuris clamat, ad lucrandum vel perdendum.

An atturnement by Dedimus potestatem.

And as the tenant may make an atturney by Dedimus potestatem, so he may atturne, The forme whereof followeth,

Regina, dilecto & fideli suo I. de M. salutem. Cum breue nostrum de D
conuentione

contencione pendeat, coram vobis & ſocijs veſtris Iuſticiarijs noſtris de banco, inter R. & P. de centum acris &c. quas I. tenet ad vitam ſuam de præfato P. ad finem inde inter præfatos R. & P. ſecundum legem & conſuetudinem regni noſtri Angl' leuand', per quod vicecomiti nro Norff. per breue noſtrum mandauimus, quod venire faciat coram præfatis Iuſtic' nris, præd' I. ad diem in breui illo contentũ, ad cognoſcend' quid iuris clamat habere in terra præd', ac præfata I. adeo impotens ſui exiſtat, quod vſq; bancũ præd' ad diem ſibi datum, abſq; maximo corporis ſui periculo, laborare non ſufficit, ad cognoſcend' quid iuris clamat habere in terra prædicta: Nos ſtatui ipſius I. compatientes in hac parte, dedimus vobis poteſtatem, recipiendi cognitionem, & teſtificand' attornamentum, quæ præfat' I. coram vobis facere voluerit in hac parte, & ideo vobis mandamus, quod ad præfatam I. perſonaliter accedentes, cognitionem, quam coram vobis in hac parte facere voluerit, recipiatis: Et cum eam receperitis, & ipſa coram vobis, prout moris eſt, ſe attornauerit, prædict' ſocios veſtros de cognitione prędicta diſtincte & aperte certificetis, prædictum attornamentum teſtificantes, vt finis ille inter partes prædictas de terra prædicta, coram vobis & ſocijs veſtris prædictis in banco præd', leuari poſſit ſecundum legem & conſuetudinem ſupradictas. Et habeatis &c.

After iſſue ioyned the tenant may be eſſoined, thus,

E Ebor ſſ. A. B. verſ. C. D. in placito quid iuris clamat in vno meſſuagio &c. vnde Iur̃ per W. C. in quindena Hill. &c.

If the iſſue be found with the pl̃, the iudgement is in this forme, Iudgement.

F Et ſuper hoc, viſis præmiſſis, & per Iuſticiarios plenius intellectis, cõſiderat̃ eſt, quod præd' C. D. pro ſeiſina, de teñ predict̃ cum pertineñ; verſus prefat̃ A. B. occaſione clam̃ & placiti pred', forisfactis habend' (ſi voluerit) proſequatur, ac etiam, quod finis predict̃, ſi voluerit, ingroſſetur, & predict' A. B. in miſericordia &c.

G But Atturnements entred vpon Record, before the partie mentioned to atturne do firſt appeare in Court, in perſon, or by atturney, warranted by the hand of one of the Iuſtices of thone Bench or of thother, or one Iuſtice of aſſiſe vpon a writ of Quid iuris clamat, quem reddit̃ redd', or, per quæ ſeruicia, as the caſe requireth, is void without writ of error, 23. Eliz. ca. 3.

Upon which iudgement the cognizee may haue execution by habere facias ſeiſinam in this forme,

H Regina, vic' Ebor̃ ſalutẽ: Sciatis qd', cum C. D. in curia nr̃a corã Iuſticiarijs nr̃is apud W. per conſiderationẽ eiuſd' curiæ, recuperauit ſeiſinam ſuam verſus A. B. de vno meſſuagio cum pertineñ in L. qd' M. N. in eadem curia conceſſit prefato C. D. per finem inde inter eos factum, ideo tibi p̃cipimus, quod eidem C. D. plenariam ſeiſinam de meſſuagio

prædicto cum pertineñ sine dilacione habere facias, & quid inde feceritis, scire facias præfatis Iusticiarijs nostris apud W. in Octabis S. Martini, & habeas ibi hoc breue T. &c.

Distringas ad atturnand'.

And vpon the iudgement to atturne, doth issue a Distringas ad atturnand', after this manner, I

Elizab. dei gra &c. vic' E. salutem. Pr̃ tibi, quod distringas A.B. per omnes terras &c. Ita quod sit coram Iustic' nostris de banco ad atturnand' C.D. in placito de quid iuris clamat in vno mess. cum pertineñ in L. quod M.N. in curia nostra &c. conces. p̃fato C.D. per finem inde inter eos factum. Et vnde consideratum est in eadē curia, qd̃ præd' A.B. se præfat̃ C.D. inde atturñ. Et habeas ibi hoc breue. Teste &c.

Quem redd' reddit.

Sect. 166. HAuing thus perused the writ of Quid iuris clamat in euery circumstance, we are now in like mãner to peruse the writ of Quem redd' reddit. A

Definition. The writ of Quem redd' reddit, is a writ iudiciall, and issueth out of the note of the fine against the tenant of the land, to compell him to atturne to the Cognizee, vpon the graunt of a rent charge, or rent seck issuing out of the land, Nat. br' fol. 170. b. The forme whereof insueth: B

Writ. Elizabeth Dei gratia &c. Vic' E. salutem. Præc' &c. tibi, quod venire fac' hic a die S. Mich. in quindecim dies E.F. ad cognoscend' quem reddit̃ reddere consueuit, exeun̄ de vno messuag' cum pertiñ in E. quē A.B. in curia nostra coram Iusticiarijs nostris de banco, concessit C.D. per finem inde inter eos fact'. Et habeas ibi hoc breue. Teste &c. C

If vpon this writ, the defendant appeare not, a Distringas goeth forth, in this forme: D

Regina, Vic' Ebor̃ salutem. Præcip̃ tibi, qd' distringas E.F. per omnes terras &c. Et quod de exit̃ eorundem respond', & habeas corpus eius hic &c. in octab. sancti Mich. proximo futuro: Ad cognoscend' quē reddit̃, exeun̄ de vno messuagio cum pertineñ in L. quod A.B. in curia nra &c. concessit C.D. per finem inde inter eos fact̃, & ad audiend' iudicium suum inde de pluribus defaltis. Et habeas &c.

At which day, if the tenant appeare, the entrie may be in this forme:

E.F. in mĩa pro pluribus defaltis &c. E

P̃ fuit vic' E. quod distringeret prædict' E.F. &c. *vt in aliis breuibus de distring. supra.* Et modo hic ad hunc diem venit tam prædictus C.D. per W.W. Atturnat̃ suum, quam prædict̃ E.F. in propria persona sua. Et prędict' C.D. pet̃, quod prędict̃ A.B. se ei de redditu prædict' atturnet &c. Et prædictus E.F. petit audit̃ breuis prædict', & ei legitur. F

Petit

Petit etiam audit note finis vnde idem breue emanauit, & ei legitur in hec verba. Inter C.D. quer &c. reciting the note in Latin &c.

G In which case, if the tenant atturne, the entrie shall be, as in a Quid iuris clamat, and so shal the iudgement & execution be also *Mutatis mutandis*. But that turnement must be in Court, 9.H.6.21. 8.H.6.15. Attornement entred.

If this writ be against diuers defendants, & some appeare, and some make default these, which appeare, shall not atturne without the rest, vntill they appeare, and after make default, 8.H.6.15. Diuers tenãts.

H If the tenant once appeare, and after make default, a Distring' ad atturnand' shalbe awarded, 9.H.6. 8.H.6.15. Default.

I Cognisee of a rent charge, or rents for yeres, shall not haue atturnement, Quere, Dyer fol. 140. pl. 37. & 38.

K The tenant can not plede by Atturney, but ex consensu querentis, 1. H.7.27. Atturney.

L In Quem redd' reddit, the tenant appearing, is to demaunde what the plaintife hath to show for the rent, and then he must show the commencement thereof, and his title thereunto, which the plaintife may answere, 31.H.6.8. 36.H.6.

M In Quem redd' reddit, if the tenant wil disclaime, he may plede that he was not tenant of the land, the day of the note leuied: for this writ lyeth against none but him, which is then tenant, 8.H.6.15. Disclaimer.

I write thus briefely of this writ, because it so much resembleth a *Quid iuris clamat*.

Per que seruitia.

A PEr que seruitia is a Judiciall writ, issuing from the note of a fine, & lyeth for the Cognisee of a manor, seigniory, chiefe rent, or other seruices, to compel him that is tenant of the land at the time of the note of the fine leuied, to attorne vnto him, 43.E.3. 8.H.6.17. Plow.46. b. which is made thus. Sect' 167.

B Regina &c. Vic' K. salutem. Præcipimus tibi, quod venire facias coram Iusticiarijs nostris apud W. in crastiñ &c. S.F.R.L. &c. ad L. &c. ad cognoscend' per que seruitia tenent tenta sua cum pertiñ in B. que seruitia E.L. in curia nostr̃ coram Iusticiarijs nr̃is apud W. concessit W.B. per finem ibi inde inter eos factum. Et habeas ibi hoc breue. Teste &c. The writ.

C If the Lord grant the seruices of his tenant by fine, or otherwise, the Lord before attornemẽt shal haue such things, as lye in prender: as the warde of the bodie of the heire and of the lande, escheates &c. But not such things as lie in render: as, rents, and reliefe, heriots, & other seruices, for he cannot auow for them before the atturnement.

D If a man graunt the seruices of his tenant for life, this writ lieth, Br. Per que seruitia 13. Sur graunt for life.

If

If seruices be graunted to I. S. for life, the reuersion to N. N. and I. S. die before atturnement, he in reuersion shall haue Per que seruitia, 20.H.6.7. E

If Per que seruitia be brought against diuerse, of which some onely appeare, they are compellable to atturne, 21.E.3.48.T.32.E.3. F

Vpon whose alienations the tenant is not compellable to atturne.

Sect. 168. Tin taile.

IF tenant in taile of seruices leuie a fine thereof, the tenant of the land is not compellable to atturne, 48.E.3.23. Because that if the cognisor die, the tenant is subiect to the distresse both of the cognisee & of the issue in taile, 24.E.3.25.43.E.3. Neuertheless vpon a fine with proclamation in such case, which barreth the issue in taile, the tenant seemeth compellable to atturne. A

Conisor neuer seased. If a fine be leuied by him which was neuer seased of the seruices, the tenant is not compellable to atturne, H.6.E.2. B

To a priculer tenant. If the tenant for life, or any other particuler tenant of seruices, which haue them not in fee, leuie a fine thereof, the terre tenant is not compellable to attorne. Itiñ North. 3.E.3. C

Iointenancy. If one ioint tenant of a seigniory graunt &c. the tenant is not compellable to attorne, 9.E.2. D

Against whom a Per que seruitia *lieth, and whom not.*

Sect. 169. Terre tenant.

IT lieth against him onely, that is tenant of the land at the time of the note of the fine leuied, 8.H.6.17.18.E.4.10. And therefore must not varie from the fine, 18.E.4.10.45.E.3.25.E.3.50. A

Therefore it seemeth that if he, which is tenant at the leuying of the note do die, or alien before attornemẽt had, that neither his heire nor the alienee is compellable to attorne, H.26.E.3.56.18.E.4.25.E.3.50.10 yet his attornement is good, Ibid' M.31.E.3. B

A Recluse. A Professe recluse is compellable to atturne, 43.E.3. And an infant 26.E.3.62. And a man only dumbe, by writing or signes, 26.E.3.62. C

Mute. But a man surde & mute, is not cõpellable to atturne, 26.E.3.62. D

Deafe. Madnesse. Nor a man de non sane memoriæ, as a madman, a lunatike, an Ideot, 26.E.3.62. E

T. by curtesy. Nor a tenant by curtesie for the feebleneſſe of his estate, 9.E.3.31. F

Late feoffemt. He that is infeoffed by the Lord post Stat. Quia emptores &c. is not cõpellable to atturne, for he holdeth of the Lord peramoũt, 39.E.3.19. G

Quantity. The writ of Per que seruitia, ought to shew the quantity of the tenancy H.14.E.3. for it is trauersable T.20.E.3.H.26.H.6. H

All persons, that may be Cognisees, may haue this writ. I

County. Per que seruitia, ought to be in the Countie, where the fine is knowledged, albeit the mannor be in one Countie, and the seruices in an other Coun- K

Countie, 21.E.3.18.

L Nonsuite in this action is not peremptorie, 24.E.3.25. nor the death of the Cognisor after the note leuied. Nonsuite.

M Per que seruitia lieth a yere or more after the note leuied, 29.E.3.46. Time.

N After peremptorie issue ioined, the tenant in Per que seruitia, may make Atturney, for if the issue be tried against him, it doth counteruaile atturnement, and then he may be distreined before atturnement, 48. E. 3.24. 39.E.3.26. Atturney.

O Nontenure the day of the note leuied, is a good barre in Per que seruitia, 8.H.6.17. 21.H.4.72. Nontenure.

P It is also a good plea, that before the note leuied, the Cognisor graunted the seruices to an other, and that he thereupon did atturne, 9.E.3.31 Former grant.

Q The tenant in Per que seruitia, cannot disclaime, but may plede Non tenure, vt supra, 21.H.4.72. Disclaime.

R After iudgement, processe is Distringas ad atturnandum, 4.E.3. 2.E. 3.9. 5.E.4.2. Processe post iudicium.

S If the mesne leuie a fine of his mesnaltie to A. for life, the Remainder to B. in fee, A. bringeth a Per que seruitia, and the tenant atturneth, hauing his acquital, yet shall not he in the remainder auowe, before he also acknowledged the acquitaile, 18.E.4.7. Atturnement with an exception.

T But a feme Couert cannot confesse acquitaile in Per que seruitia, because she is not examinable in this suit, 9.E.2.45.E.3. Feme couert. Acquitaile.

V And the tenant may atturne sauing Acquitaile and warrantie according to a deed thereof. M.15.E.3.5.H.5.E.3.E. Itinere North.

W A man may graunt seruices, before he haue seisin thereof in fait. H.6. E.2. Fitz. Per que seruitia 22. Seisin.

X It seemeth vpon the graunt of a Manor cum ptiñ, the seruices passe without atturnement, as parcel of the Manor, & that the Lord may auow without atturnement, 26.H.6. Fitz. Per que seruitia 21. A manor.

Y If the tenant in Per que seruitia, appeare & confesse the action at the Distringas ad atturnand' after iudgement, & will not atturne, he is punishable, by imprisonment, or fine, at the discretion of the Court, as it seemeth, 3.E.3. Itiñ North. Fitz. per que seruitia 17. Fine. Imprisonmẽt.

Z Coparceners, Iointenants, and tenants in common, may not fourch by essoine, to essoine seuerally, but haue onely one essoine, as one sole tenant might haue, W.1. cap. 42. 3.E.1. Rast' essoine 4. Essoine.

Of the Ingrossing of Fines.

A WHen the note of the fine is made with the Custos breuium, if it be of lands in possession, or, when atturnement is made, if it be of a reuersion, remainder, rents or seruices, then may it be ingrossed by the Chirographer. Sect' 170.

And

Ingrossing

And the Ingrossing of a fine, is nothing els but the entring of the cõ- B
cord thereof with the Chirographer, and the writing and deliuery of the Indentures thereof. Fitz.na.147.a 5.H.4.ca.14. which be called the Chirographe of the fine, and is made in forme following, viz.

Fine en taile de reuersion de rent.

Hæc est finalis concordia, facta in curia dñæ Reg. apud Westm̃, a die C
Paſch. in 15. dies, Añ regni Eliz. &c. 39. coram Edmundo Anderſon, T. Walmſley, R. O. & R. B. Iuſtic' dñæ Reg. & alijs fidelibus tunc ibi preſentibus, inter A. B. quer̃, & L. C. deforc', de decem mercat̃ reddit̃ cum pertiñ in B. quem P. de A. tenet ad terminum vite, vnde placitum conuentionis ſuiñ fuit inter eos in ead' cur̃, ſcz. quod præd' L. conceſſit pro ſe & heredibus ſuis, quod præd' redd' cum pertiñ, quem præd' P. tenuit ad terminum vite ex dimiſſione p̃d' L. in præd' vill', die, quo hec concordia facta fuit, & qui poſt deceſſum ipſius P. ad prædict' L. & heredes ſuos debuit reuerti, poſt deceſſum ipſius P. integre remaneant prædict' A. & hered' de corpore ſuo procreat̃, tenend' de capital' dominis feodi illius per ſeruitia que ad præd' redd' pertinent imperpetuum: & ſi contingat, quod idem A. obierit ſine herede de corpore ſuo procreat̃, tunc poſt deceſſum ipſius A. præd' redd' cum pertiñ integre remanebit rectis heredibus ipſius A. tenend' de capitalibus dominis feodi illius per ſeruitia que ad præd' redd' pertinent imperpetuũ: Et pro hac conceſſione, fine, & concordia, idem A. dedit pref. L. centum marcas argenti. And ſo of others according to the diuerſitie of their caſes.

Rem as heires de corps.

Rem as droit heires.

Of the Tabling of fines ingroſſed.

Sect. 172. Tables.

The Chirographer of fines of the common plees, for euer muſt write A
and make one table for euery county, where her Maieſties writ rũneth, conteining the contentes of euery fine, that ſhall paſſe in any one terme, as the name of the County, townes, and places, wherein the tenements mencioned in any fine be, the name of ỹ plaintife & defoꝛceant, & of euery manoꝛ named in any fine. And the firſt day of the next terme, after thingrossing of euery ſuch fine, ſhal fixe euery of the ſaid tables in ſome open place of the court of Common plees, and ſo euery day of the ſaid terme during the ſitting of the ſaid Court, and the ſaid Cirographer ſhall deliuer to euery ſheriffe of euery County, his vnderſherife, or deputie, faire written in parchment, a perfect content of the table ſo to be made for that ſhire in the terme that ſhal be next before thaſſiſes to be holden in the ſame county, or els meane betweene the terme and the ſaid aſſiſes to be ſet vp the firſt day & euery day of the next aſſiſes in ſome open place of the Court, where the Iuſtices of aſſiſes then ſhal ſit, to continue there ſo long as they ſhall ſit in the ſaid Court, if either the Chirographer or ſherife faile herein, he forfaiteth v.li. and the Chirographers fee, for euery ſuch table is iiii.d. 23. Eliz. cap. 3.

Contents.

How

How many proclamations are to be made vpon fines, and when.

A FOure proclamations onely are now to be made vpon euery fine with proclamation, that is to say, one in the terme in which the fine is ingrossed, and in euery one of the three termes next insuing the ingrossing thereof, one proclamation, 31. Eliz. cap. 2. Sect' 172.

B But if any of the same proclamations faile, by reason of the adiornement of any of the said termes by writ of adiournement duely made, yet is such fine good, and a good fine with proclamations, as if the same had bin proclaimed, 1. Mar. ca. 7. Adiournemẽt.

C But if any proclamation be made vpon a sunday, it is error, because it is not dies Iuridicus, Dyer fo. 128. pl. 53. 55. 2. Eliz. Sundaies

Of Proclamations of fines at the assises and general Sessions how they must be certified.

A TO the end better notice of fines may come to them, to whom it appertaineth, it is ordained by the said statute of 4. H. 7. ca. 24. That the Iustices of the common place shall send a transcript of such fines to the Iustices of assises in the counties where the lands doe lie, to be proclaimed openly and solemnly at all the assises, which shalbe therein holden, within one yere after the Ingrossing of such fines: And that the like Transcript be made to the Iustices of the peace, there to be proclaimed at foure generall Sessions in the said Counties, and both the same proclamations to be made and certified into the common place the second day of the returne of the terme then next following: And it is to be noted, That while the said fines are read, all plees must ceale, 4. H. 7. cap. 24. Sect' 173. Sessions Assises.

B The forme of euery such proclamation is thus: After the crier hath made an O yes for silence, saying: O yes, les fines lies, or to that effect, the Cirographer or his deputie, readeth the fines thus: Ebor. A Fine with proclamations betweene A. B. plaintife, and C. D. deforciant of tenements, in D. &c. Proclamation.

C If the cognisees in fines die, before thingrossing thereof, no Proclamations shalbe made, because they had their election to haue ỹ fine with proclamations or without, which election is now by their death determined, Dier fo. 254. pl. 104. 8. Eliz. Plow. fo. 266. b. Cognisee dead.

Of the Inrolement of all the parts of fines after the ingrossing thereof and Proclamations passed.

A BY the Statute of 23. Eliz. ca. 3. it is ordeined, that there shall be for euer an office of Inrolment, called the office of Inrolments of fines & recoueries: And the Iustices of the common pleas, for the time being, other then the chiefe Iustice, shall haue & take the care & charge of & for the Sect' 174. Office of Inrolment of fines &c.

the Inrolments afoꝛesaid, see the examinations thereof, and wꝛite their names vnto the rolles thereof, & haue & enioy the said office & the disposition thereof, & carefully see & looke to therecution therof. And haue foꝛ the Inrolment & examination of euery such fine vi.s.viii.d.

Exemplification. And foꝛ euery exemplification of euery such Inrolment of any fine v. s. foꝛ one peres search iiii.d. foꝛ euery sheete of paper conteining xiiii. lines iiii.d. B

And the Iustices of the common place haue power to take oꝛder in all things conueniēt foꝛ the said Inrolments, and vpon examination in the Punishment. said court to assesse fines and amerciaments vpon persons offending, foꝛ their misprisions, contempts, oꝛ negligences foꝛ not doing oꝛ misdoing of any thing, of, in, oꝛ concerning any such fines, as they shall think meet and conuenient, 23. Eliz. ca. 3. C

Inrolment of fines. And euery wꝛit of Couenant, and other wꝛit, whereupon any fine is leuied, the returne therof, the Dedimus potestatem made foꝛ the knowledging thereof, the returne thereof, the concoꝛd, the note, and foote of euery such fine, the proclamations made thereupon, and the kings siluer, vpon the request oꝛ election of any person, may bee inrolled in the said office: And the Inrolments of the same, oꝛ of any part thereof, shalbe of as good foꝛce and validitie in the Law to all intents, foꝛ so much of any of them so inrolled, as the same being extant and remayning were oꝛ ought by Law to be, 23. Eliz. cap. 3. D

Of the exemplification of the parts of fines inrolled.

Sect. 175. When any of the parts of a fine be inrolled accoꝛding to the said A statute, then may the same be exemplified, either vnder the seale of thoffice, oꝛ vnder the great seale of England: But to exemplifie such a fine vnder the great seale hath this discommoditie, that if any errours remaine in the recoꝛd of the same fine, they be not amendable after the exemplification thereof, 23. Eliz. ca. 3. but it seemeth this extendeth only to fines leuied befoꝛe the same statute of 23. Eliz. ca. 3.

These Inrolements and exēplifications seeme very necessary, because B that by the pꝛiuity and warrant of the said Court, many errors happening in the foꝛmer recoꝛds thereof may be amended, and these Inrolements will suffice, if the foꝛmer recoꝛd thereof oꝛ any part therof, be imbeselled oꝛ otherwise defaced, 23. Eliz. cap. 3.

The Exemplification of a fine inrolled accoꝛding to the statute of 23. Eliz. ca. 3.

Elizabeth Dei gratia &c. Omnibus, ad quos presentes litere peruenerint, salutem: Sciatis, quod inter Irrotulamenta breuium & aliorum C depend'pro finibns secundum formam statuti de termino Pasche, apud Westm̄ Anno regni nostr̄ 29. rotulo 7. continetur sic. ss. Essex ss. Eliz. Dei gratia Angliæ, Franciæ, & Hyberniæ, Reginæ, fidei defensor &c. vic'

vic' Eſſex, ſalutem. Præcipe E.W. armig', & I. vxori eius, quod iuſte & ſine dilatione teneant I.W & I.S. conuentionem inter eos factam, de duobus meſſuagijs, duobus gardinis, duobus pomar', xx. acris terre, xx. acris prati, xl. acris paſture, & C. acris iampnorum & bruere, cũ pertiñ in B. & W. Et niſi fecerint, & præd' I. & I. fecerint te ſecurum de clamore ſuo proſ. tunc ſumñ per bonos ſumñ prædictos E. & I. quod ſint coram Iuſticiarijs noſtris apud Weſtiñ in Octabis Sancti Michaelis, oſtenſuri, quare non fecerint, Et habeas ibi ſumñ, & hoc breue T. meipſa apud
D Weſtiñ 17. die Septembr', Anñ regni Reg. nunc 40. ✲ Pleg' de proſ,
E Iohañ Doo, Richardus Roo. ✲ Sumñ Iohañ Den, Richardus Fen.
F ✲ Georgius T. aſſ vic' ſſ. ✲ I.W. dat dominæ Reginæ ſex ſolidos & octo denarios pro liceñ concord' cum E.W. armig' & I. vxore eius de placito conuentionis de duobus meſſuagijs, duobus gardinis, duobus pomarijs, xx acris terre, xx. acris prati, xl. acris paſtur', & cẽtum acris iãpnorum & bruere cum ptiñ in B. & W. Et habet Cirr' per pacem admiſſ.
G ✲ Coram R.H. vno Iuſtic' dominæ Reg. de banco Iuſtic' in patria, ſſ.
H ✲ Elizabeth dei gratia Angliæ, Franciæ, et Hiberniæ Reginæ, fidei defenſor &c. dilecto & fideli ſuo R.H. vni Iuſtic' ſuorum de banco, Salutem. Cum breue noſtrum de conuenc' pendeat coram vobis & ſocijs veſtris Iuſtic' noſtris de banco, inter I.W. & I.S. E.W. armig', & I. vxorem eius, de duobus meſſuagijs, duobus gardinis, duobus pomarijs, xx. acris terre, xx. acris prati, in B. & W. in comitat' Eſſex, ad finem inde inter eos coram vobis & ſocijs veſtris prædictis in banco prædicto ſecundum legem & conſuetudinem Regni noſtri Angl' leuand', Ac ijdem E. & I. adeo impotentes ſui exiſtunt, quod abſque maximo corporum ſuorum periculo vſque Weſtiñ ad diem in breui pdicto content', ad cognitiones, que in hac parte requirunt' faciend' laborare non ſufficiunt, vt accepimus: Nos ſtatui eundem E. & I. compacientes in hac parte, dedimus vobis poteſtatem recipiend' recognitiones quas prædicti E. & I. coram vobis facere voluerint de premiſſis, Et ideo vobis mãdamus quod ad præf. E. & I. perſonaliter accedentes, cognitiones ſuas prædictas recipiatis: Et cum eas receperitis, præfatos ſocios veſtros inde ſub ſigill' veſtris diſtincte & aperte reddatis certiores, vt tunc finis ille inter partes prædictas, de premiſſis, coram vobis & ſocijs veſtris prædictis in banco prædicto leuari poſſit, ſecundum legem & conſuetudinem ſupradictas, Et habeatis ibi tunc hac breue, T. meipſa apud Weſtmoñ
I 18. die Septemb. Anno regni noſtri 40. ✲ Reſponſ. infranominat'
J R.H. ad hoc breue. Execuc' iſtius breuis patet in quadam ſcedula huic breui annex'. ✲ Et eſt concordia talis, ſcilicet, quod E. & I. nominat' in breue huic ſcedul' annex', recognñ teñ in dicto breue ſpecific' cum pertinentijs, eſſe ius I.W. in eodem breui nominat', vt ill' que ijdem I. & I.S. in dicto breue nominat' habeant de dono prædict' E. & I.

Et

Et ill' remiſeꝝ & queꝫ clam̃ de ſe & hered' ſuis prefat̃ I. & I. & hered' ipſius I.W. imperpetuum, Et preterea ijdem E. & I. conc' pro ſe & hered' ipſius I. quod ipſi warrant̃ tenementa prædicta cum pertinentijs præfat̃ I. & I. & hered' ipſius I.W. contra omnes homines imperpetuũ. Et pro hac &c. Ijdem I.W. & I.S. conceſſ. tenementa prædicta cum pertinentijs præf. E. & I. ✻ Et ill' eis reddideꝝ in eadem Curꝫ. Habend' & te- L
nend' eiſdem E. & I. & hered' de corpore ipſius E. per prædictam I. legitime procreat̃, & pro defectu talis exitus, teñta prædicta cum pertiñ, integre remañ præfat̃ I. & hered' de corpore ipſius I. legitime procreat̃, & pro defectu talis exitus, teñta prædicta cum pertiñ, integre remañ rectis hered' ipſius E. imperpetuum. Tenend' &c. R.H. ſſ. ✻ Hæc eſt fi- M
nalis concordia facta in curꝫ Dominæ Reginæ apud Weſtm̃, in Octabis ſancti Michaelis, Anno regni Elizabeth, Dei gratia, Angliæ, Franciæ & Hyber' Reginæ, fidei defenſ. &c. a conq̃ũ decimo, coram I.D. R.W. I. W. & R.H. Iuſtic' & alijs dominæ Reg' fidelibus tunc ibi preſentibus, Inꝫ I.W. & I.S. queꝝ, & E.W. añ, & I. vxorꝫ eiꝰ deforc' de 2. meſſ. 2. gard', 2. pomarijs, xx. acꝝ prati, xl. acris paſture, & C. acris iampnorũ & bruere, cum pertineñ in B. & W. vnde placitum conuentionis ſumm̃ fuit inter eos in eadem curꝫ, Scilicet quod præd' E. & I. recogn̄ prædicta teneme̅ta cum pertiñ, eſſe ius ipſius I.W. vt ill' que ijdem I. & I.S. habeant de dono prædictorum E. & I. Et ill' remiſeꝝ & quieꝫ clam̃ de ipſis E. & I. & hered' ſuis, præd' I. & I. & hered' ipſius I.W. imperpetuum. Et preterea ijdem E. & I. conceſſeꝝ pro ſe & hered' ipſius I. quod ipſi warꝝ prædictis I. & I. & hered' ipſius I.W. prædicta teñta cum pertinentijs contra omnes homines imperpetuum: Et pro hac recogn̄, remiſſione, quieꝫ clam̃, warrãt̃, fine, & concordia, ijdem I. & I. conceſſeꝝ prædictis E. & I. prædicta teñ cum pertinentijs. Et ill' eis reddideꝝ in eadem Curꝫ, Habend' & tenend' eiſdem E. & I & hered' de corpore ipſius E. per prædictam I. legitime procreat̃, de capitalibus dominis feod' ill' per ſeruic', que ad predicta tenementa pertinent, imperpetuum, Et ſi contingat quod ijdem E. & I. obieꝝ ſine hered' de corpore ipſius E. per prædict' I. legitime procreat̃, tunc poſt deceſſum ipſorꝝ E. & I. præd' teñta cum pertiñ integre remañ hered' de corpore ipſius I. legitime procreat̃, Tenend de capitalibus dominis feod' ill' per ſeruic', que ad præd' teñta pertinent, imperpetuum. Et ſi nullus heres de corpore ipſius I. fuerit legitime procreat̃, tunc prædicta teñta cum pertinentijs integre remaneb. rectis hered' ipſius E. Tenend' de capitalibus dñis feod' ill' per ſeruic' que ad prædict' tenementa pertinent, imperpetuum, ſecund' formm̃ ſtatuꝫ. ✻ Priñ proclam̃ fa- N
cta fuit 22. die Nouemb. termiñ ſanct' Michael' Anno vndecimo Reg. infraſcꝝ. Secunda proclam̃ 24. die Nouemb. eodem termino. Tertia ꝓclam̃ 26. die Nouemb. eod' termino. Quarta proclam̃ 29. die Nouem. eodem termino. Quinta proclam̃ facta fuit ſeptimo die Feb. termiñ ſanct'

Hill'

Hill' Anno 11. dict' Regiñ infrascr'. Sexta procl' 9. die Feb. eodem termino. Septima procl' 10. die Feb. eod' terñ. Octaua procl' 12. die Fe. eod' terñ. Nona procl' facta fuit 14. die Maij terñ Pasc. annō 12. Reg. infrascr'. Decima ꝓcl' 17. die M. eod' terñ. Vndeciñ procl' 23. die M. eod' terñ. Duodecima ꝓcl' 23. die M. eod' terñ. Tertiadecima procl' facta fuit 22. die Iunij terñ Sanct' Triñ Anno vndecimo Reginæ infrascr'. Quartadecima procl' xxv. die Iunij eod' termino. Quintadecima procl' 27. die Iunij eod' termino. Quæ omnia & singula ad requisitionem W. W. generos. tenore presentium duximus exemplificand'. In cuius rei testimonium sigill' nostrum ad breuia in banco sigilland' deputaꝫ præsentibus apponi fecimus T. F. W. W. & F. R. Iustic' de Banco præd' apud Westm̃ die Anno Reginæ nunc xx. &c.

W. P. & R.

How fines executory be executed.

A THe execution of a fine, is the obtaining of actuail possession of the things conteined in the same, by vertue thereof, and it is either by entree into the lands, or by writ. Sect. 176.

B By entree into the landes, as if vpon a fine sur cognizance de droit come ceo que il ad de son done, If the cognizor remaine still in possession, And the cognizee by vertue of such fine enter vpon him, as he lawfully may, without any writ of habere fac' seisinam, because such fine is executed, 41. E. 3. 14. 42. Edw. 3. 5. And if fine be leuied to the husband and wife in speciall tayle, the remñ to the heires of the body of the husband, and the wife dieth without issue, the remainder is executed in possessiō in the husband, for the estate taile meeteth with the freehold and drowneth it. 7. H. 4. 23.

Execution of fines by writ.

A EXecution of fines by writ, is either by Habere facias seisinam, or by Scire facias. Sect. 177.

B A writ of Habere facias seisinam, in this case is a writ iudiciall, issuing out of the Record of a fine executory, directed to the Sheriffe of the countie where the land lieth, commaunding him to giue the cognizee or his heires seisin of the land, whereof the fine is leuied, And this writ lieth within the yeare, after the fine, or, iudgement vpon a Scire facias. And may be made in these formes.

C Regina Vic' &c. Præcipimus tibi, quod sine dilatione habere facias B. K. seisinam suam de vno messuagio cum pertinentijs in N. quod A. T. in curia nostra &c. reddidit prædict' B. per finem inde inter eos fact' secundum. Teste &c.

Duodecem &c. de visu &c. Et qui nec E. nec R. et A. vxor eius aliqua &c. ad cognoscend' si tempore leuationis cuiusdam finis leuati in curia

Venire fac' en Scire fac' sur fine sur illue si

les parties fuerent ſeiſie al temps del fine leuie &c.

Conceſſ. & recordat.

Fine de rent.

curia domini E. nuper Regis &c. apud Weſtiñ in craſtiñ &c. anno &c. coram R. B. et ſocijs ſuis tunc Iuſticiarijs ipſius nuper Reg' de banco, Et poſtea in craſtiñ animarum &c. anno &c. ibidem conceſſ. et recordat̃ coram eiſdem nuper Iuſticiarijs et alijs eiuſdem nuper regis fidelibus, tunc ibi præſentibus, inter T. K. et R. F. quærent̃, & I. B. et I. vxor̃ eius deforc', de quatuor ſolidis reditus cum pertinentijs in S. vnde prædict' G. in curia noſtra &c. petit executionem verſus præfat̃ R. et A. virtute finis prædict', ac de alijs tenementis & redditibus in eodem fine contẽtis, prædict' T. K. et R. & prædict' I. B. et I. qui fuerunt partes fini illi, fuerunt ſeiſiti de prædictis quatnor ſolidis reditus, cum pertinentijs, prout per eundem finem ſupponit̃, per quod prædict̃ E. executionem prædict̃ quatuor ſolid' reditus cum pertinentijs verſus præfatos R. et A. virtute finis prædict̃ habere debeat, ſicut idem E. dic' vel non, immo nec prædict' T. K. & R. nec prædicti I. B. et I. qui fuerunt partes fini prædicto, tempore leuationis eiuſdem finis aliquid habuer̃ in prædictis quatuor ſolidis reditus, cum pertinentijs, nec in meſuag', vnde ſupponit̃ reditum illum prouenire, per quod prædict' E. ab executione prædict' 4. ſolid' reditus cum pertinentijs verſus præfatos R. et A. virtute finis præd' habend' excludi debeat, ſicut ijdem R. & A. dicunt, quia tam &c.

Habere facias ſeiſinã ſur rec' en ſcire fac' hors de fine p confeſſion.

D / Scias, quod eſt conſ. in curia noſtra, quod W. L. & alij &c. habeant executionem verſus W. T. de decem acris terre cum pertinentijs in D. virtute cuiuſdam finis inde leuati in curia domini E. nuper regis &c. apud W. a die &c anno &c. coram R B. & ſocijs ſuis tunc Iuſticiarijs eiuſdem progenitor̃ noſtri de Banco, inter I. G. iuniorem & W. G. quærentes, & E. P. & M. vxor̃ eius deforc', de prædictis decem acris terre cum pertinentijs, ac de alijs terris & tenementis in eodem fine contentis, per cognicionem prædict' W. T. actionis prædict' W. L. & al', & ideo tibi præcipimus, quod eiſdem W. L. & al', de prædict' decem acris terræ cum pertinentijs ſine dilacione plenariam ſeiſinam habere facias &c.

Habere facias ſeiſinã ſur recouery p def. en Scire fac' hors de fine.

E Scias, quod conſideratũ eſt in curia noſtra &c. quod T. B. conſang' & hæres W. fratris P. filius W. & M. vxoris eius, hẽat executionem verſus R. R. &c. de xl. acris boſci cum pertinentijs in B. virtute cuiuſdam finis in cur̃ domini E. nuper Regis &c. apud W. &c. inter prẽfat̃ W. & M. quer̃, & W. de B. & R. fil' W. &c. deforcianť &c. de tẽtis prẽdictis leuatis p defalt̃ ipſorum &c. Et ideo tibi præcipimus, quod eidem T. B. de prædictis tẽtis cum pertinenti's ſine dilatione plenariam ſeiſinam & executionem habere facias. Teſte &c.

Habere facias ſeiſinam ſur rec' per def. en Scire fac' hors de fine.

F Rex vic' ſalutem. Scias quod conſid' eſt in curia noſtra coram Iuſticiarijs nr̃is apud W. quod T. B. conſanguiñ & hæres W. B. habeat executionẽ verſus R. D. de manerio de A. cum ptinẽtijs in coñ tuo, virtute

cuiuſdam

cuiuſdam finis leuati in curia dñi E. nuper Regis Angl[illegible] &c. apud W. a die &c. anno &c. coram R. B. & ſocijs ſuis tunc Iuſticiarijs ipſius nuper Regis de banco. Et poſtea in octab. &c. anno &c. ibm̃ conceſſ. & recordat̃, inter præfatum W. querentem, et A. deforciant̃ de manerio p̃dict̃ per defalt̃ ipſius R. Et ideo tibi præcipimus, quod eidem T. B. de manerio prædicto cum pertinentijs ſine dilatione plenariam ſeiſinam & executionem habere facias. Teſte &c.

Conceſſ. & recordat̃.

G Scias, quod conſiderat̃ eſt in curia noſtra &c. qd' R. M. et R. A. conſanguineus et hęres H. de B. et M. vxoris eius, habeant executionẽ verſus I. C. &c. de duabus partibus manerii de Y. cum pertinentiis, virtute cuiuſdam finis leuati in cur̃ domini E. nuper Regis &c. apud W. in craſtino &c. anno &c. coram T. W. & ſociis ſuis tunc Iuſticiar̃ &c. de banco, inter H. B. et M vxor̃ eius quer̃, et B. D. et B. vxor̃ eius deforciantes, de prædict' manerio cum pertinentiis, ac de Aduocatione Eccleſiæ eiuſdem manerii, prout per quãdam iuratam coram dilectis et fidelibus noſtris I. T. et W. A. duobus Iuſticiariis noſtris de communi banco, per formam ſtatuti noſtri inde prouiſi, die &c. apud R. inde inter eos capt̃, compertum fuit: Et ideo tibi præcipimus, quod eiſdem R. et R. de duabus partibus prædict' cum pertinentiis, ſine dilatione executionem & plenariam ſeiſinam habere facias. Teſte &c.

Habere facias ſeiſinã ſur recouery p verdict en Scire facias hors de fine.

Niſi prius.

Of Execution of fines by Scire facias.

A A Writ of Scire facias vpon a fine, lieth in the ſame caſe that a writ of Habere facias ſeiſinam doth, ſauing that it is to be ſued a yeare and a day after the fine is leuied, whereby the Shirife is commaunded to warne the terre tenant to appeare, and ſhew cauſe if he can, why the Cogniſee or his heires ſhould not haue execution, At the returne where of, if the tenant appeare, and ſhew no cauſe to the contrarie, the plaintife ſhall haue an Habere facias ſeiſinam, *vt ſupra*. And the forme of diuers Scire facias in like caſe enſue: Sect. 178.

B Rex vic' ſalutem. Cum quidam finis leuaſſet in curia domini E. filii Regis H. progenitoris noſtri, ſcilicet apud W. in octab. &c. anno regni ſui triceſimo quarto, coram R. H. et ſociis ſuis tunc Iuſticiarijs ipſius p̃genitoris noſtri de banco, inter G. P. & I. vxorem eius quer̃, per W. F. poſit̃ in loco eorum ad lucrand' vel perdend', & S. H. deforciantem, de manerio de C. cum pertinentiis, vnde placitum conuentionis ſummonitum fuiſſet inter eos in eadem curia, ſcilicet quod prædict̃ G. recogñ manerių prædict' cum pertinentiis eſſe ius ipſius S. vt illud quod idem S. habuiſſet de dono prædict' G. Et pro illa recognitione, fine, & concordia, idem S. conceſſiſſet p̃dict' G. et I. prædict' manerium cũ pertinentiis, & illud eis reddidit in eadem curia: habend' & tenend' eiſdem G. & I. & hæredibus, quos idem G. de corpore ipſius I. p̃creaſſet, de p̃dicto S. & hęredibus ſuis imperpetuũ, reddendo inde per annum

Scire fac' hors de fine for the heires in taile.

Attorney in fine.

Render to the husband and wife, and to the heires of the husbãd of

the body of the wife begotten, remaining rent and forein service.

Rem̃ mariage.

vnam Rosam ad festum &c. pro omni seruitio, consuet actione ad prædict' S. et hæredes suos pertinent, et faciend' inde capitalibus dominis feodi illius, pro prædict' S. et hæredibus suis, omnia alia seruitia, quæ ad manerium illud pertinerent: Ita quod si contingeret, quod prædict' G. obiret sine herede de corpore ipsius I. procreat', tunc post decessum ipsorum G. et I. prędictum manerium cum pertinentijs integre remaneret W. fratri eiusdem G. et hæred' de corpore suo procreat', tenend' de prædict' S. & hęredibus suis per prædicta seruitia, sicut prædictum est, imperpetuum, Et si contingeret quod prædictus W. obiret sine hærede de corpore suo procreato, tunc post decessum ipsius W. prædict' manerium cum pertinentijs integre remaner' I. fratri eiusdem W. et hæred' de corpore suo procreat', tenend' de prædicto S. et hæredibus suis per prædicta seruitia, sicut prędictum est imperpetuum, Et si contingeret prędict' I. obire sine hærede de corpore suo procreat', tunc post decessum ipsius I. prædictum manerium cum pertinentijs integre remaneret E. fratri eiusdem I. et hæred' de corpore suo procreat', tenend' de prædict' S. & hæredibus suis per seruitia prędict', sicut prædictum est, imperpetuum: Et si contingeret quod predictus E. obiret sine hærede de corpore suo procreato, tunc post decessum ipsius E. prędict' manerium cum pertinentijs integre reuertatur ad prędict' S. & hæredes suos, quiet' de alijs hæred' ipsorum G. & I. W. I. & E. tenend' de capitalibus dñis feodi illius p seruitia, quæ ad illud manerium pertinerēt, imperpetuum: Ac iam ex insinuatione I. L. & M. vxoris eius vnius, ac T. V. et T. vxor eius, alterius, necnon H. B. tertij consang' & hæred' pred' G. & I. de corporib⁹ suis procreat' accepimus, quod p̄dict' G. & I. mortui sunt, Et quod quidam T. L. & R. I. præd' manerium cum pertin̄ modo ingressi sunt, & illud tenent cōtra formā finis præd', Et quia volumus ea, quę in cur' p genitoris nr̄i acta sunt, debite executioni demandari, tibi p̄cipimus, qd̄ p probos & legales hoīes de ballīua tua Scire facias præfat' T. L. & R. qd' sint coram Iusticiarijs nr̄is apud W. in octab. &c. ostensur' si quid p se habeant aut dicere sciant, quare prædict' manerium cum pertinētijs, quod ipsi tenent in forma prædicta, post mortem prædict' G. & I. præfat' M. T. & H. consanguin̄ & hæred' ipsorum G. & I. de corporibus suis procreat', remanere non debent iuxta formam finis prædicti, si sibi viderint expedir̄, Et habeas ibi nomina eorum, per quos eis scire fecer̄, & hoc breue, Teste &c.

Scire facias pur le heire de cestuy en la rem̃.

Rex vicecom̃ salutem: Cum quidam finis leuasset in curia dñi E. nuper regis Angl' aui nr̄i, tali die, & anno, coram A. & socijs suis tūc Iustic' eiusdem aui nr̄i de Banco, inter W. quærentē, & R. deforciant̄, de manerio de T. cum pertinent̄, vnde placitum conuencionis summonitum fuit inter eos in eadem curia, scilicet quod prædict' R. recogn̄ prædictum manerium cum pertin̄ esse ius ipsius W. vt illud quod idem W. C

habuisset

habuiſſet de dono prædict' R. & pro illa recognitione, fine, & concordia, idem W. conceſſiſſet prædict' R. præd' manerium cum pertinentijs, habend' & tenēd' eidem R. de prædicto W. & hæredibus ſuis maſculis de corpore ſuo procreatis tota vita ipſius R. reddend' inde per annum &c. Et poſt deceſſum ipſius R. prędictum manerium cum pertinētijs integre reuertat̄ ad prædict' W. & hæredes ſuos, quiet̄ de hęred' prædict' R. tenend' de capitalibus dominis feodi illius, per ſeruitia, quæ ad illud manerium pertinerent, imperpetuum, & ſi contingeret quod prædictus R. obiret ſine hærede maſculo de corpore ſuo procreato prædict' manerium cum pertinentijs integre remaneret T. fratri ipſius W. & hæredibus maſculis de corpore ſuo procreat̄, tenend' de capitalibus dominis feodi illius per ſeruic' prædict' imperpetuum: Ac iam ex inſinuatione A. filij & hæredis prædict' T. accepimus, quod prædict' R. iam obijt, & quod prædict' W. obijt ſine herede maſculo de corpore ſuo procreato, & qd' I. vnum meſſuagium &c. cum pertinent̄, quæ fuerunt parcella manerij præd', modo ingreſſus eſt, & illa tenet cōtra formam finis pred', Et quia volumus ea &c. oſtenſ. ſi quid pro ſe habeat aut dicere ſciat, quare p̄dictum tenementum cum pertineñ, præd' A. filio & heredi p̄dicti T. remanere non debeat, iuxta formam finis prædicti, ſi ſibi viderit expedire &c. Et habeas &c.

Render pur vie oue reuerter a luy en taile & remainder ouſter in taile.

D Et modo hic ad hunc diem venit tam prædictus I. S. per S. atturnatum ſuum, quam prædict' W. & A. per F. atturnatum ſuum, & vicecomes mand' quod ſcire fecerit eiſdem W. & A. eſſendi hic ad hunc diem oſtenſur̄ ſeperatim in forma prædicta per R. & S. probos &c. & ſuper hoc prædict' I. dicit, quod ipſe eſt conſang' & heres p̄dict' I. & E. videlicet &c. & petit verſus prædict' W. & A. ſeperatim executionem in forma prædicta &c.

Scire facias vers ſeueral tenants. Retur̄ ſcire fecit. Coſinage allege.

Et iam prædicti W. & A. quoad predicta tenementa, vnde executio verſus eos ſecuta eſt, quam prædict' R. & I. quo ad prædicta tenementa, vnde executio verſus eos ſeperatim petita eſt, ſingulatim dicunt, quod nec præd' I. nec præd' W. & B. quos per finem prędict' ſupponit̄ eſſe partes finis illius, nihil habuer̄ in tenementis pred' cum pertinent̄, vnde executio verſus W. & A. ſepetatim petita eſt, tēpore leuat̄ eiuſd' finis, imo quidā I. C. fuit inde ſeiſitus tēpore leuationis finis illius, cuius quid I. C. ſtatū in teñtis illis, vnde executio verſus eos petita eſt, quam præd' R. & I. ſeperatim habent in tenementis præd' vnde executio verſus eos ſingulatim petita eſt, ſeperatim petunt iudicium, ſi pręd' I. executionē inde verſus eos habere debeat &c. Et præd' I. dicit, quod tempore leuationis finis illius, præd' I. & I. qui fuerunt partes finis illius, fuerunt ſeiſiti de tenementis pręd' cum pertineñ, vnde executio verſus pręd' W. & A. ſeperatim in forma & modo prædict̄ ſecuta eſt, prout per finem illum ſupponitur, & hoc petit &c. Ideo xij. &c.

A barre that the parties to the fine had nothing in the land at the time of the fine, but I. whoſe eſtate the tenāt hath.

Iſſue that I. was ſeiſied at the time of the fine leuied.

Scire facias super fine.

Cum quidam finis leuasset in curia domini E. quondam regis Angliæ aui nostri, a die sanctæ Trinitatis in quindecim dies, anno &c. coram I. de B. & socijs suis tunc Iusticiarijs ipsius aui nostri itinerantibus apud Eborᵉ, inter Alinam quærentᵉ, & A. defendᵗ de decem libratis terræ cum pertinentijs in A. in manerio de L. in comitatu de N. vnde placitum conuencᵗ summonitum fuisset inter eos in eadem curia, scilicet qdᵗ prædictᵉ Adam recognouit prædicta tenementa cum pertinentijs, vt in dominicis, redditibus &c. et omnibus alijs rebus ad prædicta tenementa pertinentibus, esse ius ipsius Alani, præterea idem A. dedit et concessit prædicto Alano quinque marcas reditus cum pertinentijs in A. in comitatu K. & totum manerium de B. cum pertinentijs in comitatu tuo, vt in dominicis &c. habendum et tenendum eidem Alano & E. vxori eius, et hæredibus de corporibus ipsorum Alani et E. procreatis, de capitalibus dominis feodorum illorum imperpetuum, faciendᵗ inde omnia seruitia, quæ ad prædictᵗ tenementa pertinent, & prædictus A. & heredes sui warrᵗ eisdem Alano & E. & hæredibus suis prædictis, omnia prędictᵗ tenementa cum pertinentijs, per prædictᵉ seruitia contra omnes gentes imperpetuum, & si contigerit quod prædictᵗ A. et E, obirent sine herede de corporibus ipsorum Alani & E. procreatᵉ, de capitalibus dominis feodorum illorum imperpetuum faciẽ inde omnia seruitia quæ ad predᵗ tẽta pertinent: et prędictᵗ. A. & hæredes sui warrᵗ eisdem Alano & E. et hæredibus suis prædᵗ omnia prædᵗ tenemẽta cum pertineñ per prædᵗ seruitia contrà omnes gentes imperpetuum, & si contigerit quod predicti A. et E. obirent sine herede de corporibus ipsorum Alani et E, procreatᵉ, tunc post decessum ipsorum Alani et E. predicta tenementa cum pertinentijs ad præfatum Adam et hæredes suos integre reuerterentur quieta de alijs heredibus ipsorum A. & E. imperpetuum, ac iam ex insinuatione Anthonij de L. et I. consanguineorum & heredᵗ predicti Adæ accepimus, quod prædictᵉ Alanus & E. iam obierunt, et quod Iohannes filius et hæres eorundem Alani & E. obijt sine hærede de corpore suo procreato, et etiam Wilhelmus filius pdicti Alani & E. et frater & hæres predictᵉ Iohannis iam obijt sine hærede de corpore suo procreato, & qdᵗ quædam Iohanna, quę fuit vxor Iohannis de W. predictᵗ manerium de B. cum pertineñ ingressa est, & illud tenet contra formam finis pdictᵉ: Et ideo tibi præceperimus, qdᵗ p bonos & legales hoies de comitatu tuo scire faceres pdictᵉ Iohannæ, quod esset coram Iusticiaᵒ nostris apud Westm̃ a die sancti Michaelis in quindecim dies proxim̃ præterito, ostẽsura si quid pro se haberet vel dicere sciret, quare pdictᵉ manerium de B, cum ptineñ, prædicto Antho. et I. consanguineis & heredᵗ prædicti Adæ reperti non deberent, si sibi vidisset expedire, ac pro eo quod idem I. postea in eadem curia nra dixit quod predictᵉ Anthonius sequeretur executionem finis pdicti de medietate

prædicti

prædicti manerij de B. cum pertineñ, versus predictam Iohannam. Eadem Iohanna venit in eadem curia et dixit, quòd ipsa tenet predictum manerium de B. cum pertineñ per nomen manerij de R. ex dimissione N. de C. et quod reuersio inde post mortem eiusdem Iohannæ ad prædict' N. spectat, sine quo non potest predicto Anthonio de p̃dicta medietate manerij p̃dict' respondere, & petit auxilium de ipso Nicholao. Et ideo tibi præcipimus, quod per bonos &c. scire facias prædicto N. quod sit &c. apud Westm̃oñ a die &c. ad respondend' prefato A. simul cum predicta Iohanna de prædicto placito si voluerit, Et habeas ibi nomina &c. Teste &c.

F Cum quidam finis leuasset in cur̃ dñi E. nuper Regis Angliæ aui nostri xv. termino Trin̄, anno &c. coram A. & socijs suis tunc Iusticiar̃ ipsius aui nostr̃ itinerantibus, apud E. inter B. quer̃, & C. defor', de decem librat̃ redit̃ cum pertinentijs in B. in manerio de S. in comit̃ E, vnde placitum conuẽtionis summ̃ fuisset inter eos in eadem curia, scilicet, quod prædict̃ C. recogn̄ tenta præd' cum pertineñ, vt in dñicis, redit̃ &c. & omnibus alijs rebus ad predict' tenta pertineñ, esse ius ipsius B. Præterea idem C. dedit & concessit prędict̃ B. quinq; marc' redit̃ cum pertinentijs in A, in comitatu S. & totum manerium de D. cum pertineñ in eodem com̃ vt in dominicis: habend' & tenend' eidem B. & E. vxor̃ eius, & hæred' de corporibus ipsorum B. et E. exeuntibus, de capitalibus dominis feodi illius imperpetuum, faciend' inde omnia seruitia quæ ad predict̃ tenementa pertinerent: Et predict̃ C. & hęred' sui warrant̃ eisdem B. & E. et hæred' suis predict̃, omnia predict̃ maner̃ cum suis pertinentijs per prædict̃ seruitia contra omnes gentes imperpetuum: Et si contingat quod prædict̃ B. & E. obierent sine hæred' de corporibus ipsorum B. et E. procreat̃, tunc post decessum predict̃ B. et E. prædict̃ tenement̃ cum pertinentijs ad præfat̃ C. & hæredes suos integre reuerterentur quiet̃ de alijs hæred' ipsorum B. & E. imperpetuũ: Ac iam ex insinuatione R. & K. consang' & hæred' prædict̃ C. accepimus, quod predict̃ B. & E. iam obierunt, et quod I. filius et hæres eorundem B. & E. obiit sine hęrede de corpore suo procreato, et etiam W. filius prædict̃ B. & E. frater et hæres prædict̃ I. iam obijt sine hærede de corpore suo exeunt̃, et quod quædam I. quæ fuit vxor I. W. p̃dict̃ maner̃ de D. cum pertinentijs modo ingressa est, et illud tenet contra formam finis predict̃, Et ideo tibi precipimus, quod per probos &c. scire fac' prędict̃ I. quod esset coram &c. tali die ostensur̃ si quid &c. quare predictum manerium cum pertinentijs, predict' R. et K. consanguiñ & hered' prædicti C. reuerti non deberet, si sibi vidisset expedire, ac pro eo quod idem K. postea in eadem curia nr̃a veñ & dic' quod p̃dict̃ R. sequeretur executionẽ finis p̃dicti de medietat̃ manerij p̃dicti de D. cum pertiñ versus p̃d' I. eadẽ I. tali die veñ in ead' cur̃ nr̃a, & dicit qd'

Scire facias sur ayde.

ipſa tenet manerꝭ prædꝰ de B. cum pertineñ per nomen manerij de R. ex dimiſſione N. C. & qdꝰ reuerſio inde per mortem prædꝰ I. ad prædict̃ N. ſpectat, ſine quo non poteſt prædictꝰ R. de p̃dictꝰ medietate manerij p̃dicti reſpondere, & petijt auxilium de ipſo N. Et ideo tibi precipimus, qdꝰ per probos ſcire facꝰ præfat̃ N. quod ſit &c. ad reſpondendꝰ prædꝰ R. ſimul cum prædict̃ I. de prædict̃ placito ſi voluerit. Et habeas &c.

Mittimus del tranſcript del fine, & Scire facias inde.

Dominus Rex mandꝰ Iuſticiarijs ſuis hoc breue ſuum clauſum in hęc verba. Edwardus &c. *(recitandꝰ totum breue,)* tenor prædictꝰ finis vnde in breui prædꝰ fit mentio, *(vel ſic)* Tranſcript̃ prædꝰ finis, vnde in breui prædict̃ fit mentio, ſequitur in hæc verba. Hæc eſt finalis cõcordia &c. *recitandꝰ & totum &c.* Et modo ſcz. tali die iſto eodem termiñ venit hic in curꝭ A. ex parte prædictꝰ T. & dicit qdꝰ prædꝰ R. mortuus eſt, & ſimiliꝫ qdꝰ prædꝰ W. obijt ſine hæredꝰ maſculo de corpoꝭ ſuo ꝑcreat̃, & qdꝰ I. in vnũ meſſ. &c. cum pertiñ, quæ ſunt parcellꝰ manerij p̃dictꝰ, modo ingreſſus eſt, et illꝰ tenet contra formam finis prædꝰ. Et petit breue Vicꝰ S. dirigendꝰ, ad prẽmuniendꝰ p̃f. I. eſſendi hic oſtenſ. ſi quid &c. quare eadẽ meſſuagꝰ &c. cum ꝑtiñ, quæ dictus T. clamat in formꝫ p̃dꝰ, poſt mortem predꝰ W. præf. T. conſangꝰ & heredꝰ prædꝰ R. remanere non debet iuxta formã finis p̃dꝰ, eo qdꝰ predꝰ W. mortuus eſt ſine hæredꝰ maſculꝰ de corpore ſuo ꝑcreato, & ei conceditur returnabilꝰ hic tali die, *vel ſic*, Et per ſeparalia bꝛia, viz. vnum Vicecꝰ dicti coñ B, aliud Vicꝰ N. tertium Vicꝰ H. dirigendꝰ, ad præmuniendꝰ eundem I. eſſendi hic, oſtenſuꝝ &c.

Scire facꝰ for him in the rem̃.

Præcep̃ fuit vicecoñ, cum quidam finis leuaſſet in curꝭ dñi reg. &c. die &c. anno &c. corã &c. Iuſticiarijs ipſius progenitoris dñi regis nunc de Banco, inter W. & I. vxorem eius querent̃, & I. E. deforc' de vno meſſuagio &c. cum ꝑtinentijs in L. vnde placitum conuencionis ſumm̃ fuiſſet inter eos in eadꝰ curia, ſcilicet quod prædictus W. recogñ tenemẽta prædictꝰ cum pertineñ eſſe ius ipſius I. vt illa quæ idem I. habuiſſet de dono prædꝰ W. & pro illa recognitione fine et concordia idem I. conceſſiſſet p̃dictꝰ W. et I. prædictꝰ teñtum cum pertineñ, & illa eis reddidiſſet in eadem curia, habendꝰ & tenendꝰ eiſdꝰ W. et I. & hæredibꝰ ipſius W. de corpore ſuo procreat̃, de capitalibus dñis feodi illius per ſeruicia quæ ad tenementum prædictꝰ pertinerent imperpetuum, & ſi contingat quod idem W. obiret ſine herede de corpore ſuo procreat̃, tunc poſt deceſſum ipſorum W. & I. prædꝰ teñta cum pertinentijs integre remanerent I. filio eiuſdem W. & hæredibus de corpore ſuo procreatis, tenendꝰ de capitalibus dominis feodi illius per ſeruicia, quæ ad prædictꝰ teñta pertinerent imperpetuum. Et ſi contingat quod idem I. obiret ſine hæredꝰ de corpore ſuo procreato, tunc poſt deceſſum ipſius I. prædictꝰ tenementa cum pertinentijs integre remanerent rectis hæredibus ipſius W. tenendꝰ de capitalibus dñis feodi &c. vt ſupra: Ac iam ex inſinuatione T. conſangꝰ et hæredꝰ prædictꝰ I. filꝰ W. acceperat Rex, quod idem

Seueral Scire facꝰ into ſeueral coũties vpon one fine.

Rem̃ in taile.

Rem̃ to the right heires.

Render to the husband and wife, & to the heires of the body of the husband.

G

H

idem W. mortuus eſt ſine herede de corpore ſuo procreat̃, & quod p̃d' I. iam obijt, & quod quidem A. teñta prædicta cum pertinentijs, modo ingreſſus eſt, & ea tenet contra formam finis præd', Et quia &c. quod p probos &c. Scire facias præfat̃ A. quod eſſet hic ad hunc diem &c. oſtẽſur̃ ſi quid &c. quare præd' teñta cum pertineñ. que ipſe tenet in forma præd', poſt mortem prædict' W. & I. vxor eius præfat̃ T. vt conſang' & hered' prædict' I. fil' W. remanere non debẽt iuxta formam finis præd', ſi &c. eo quod præd' W. obijt ſine herede de corpore ſuo exeunt̃ &c. Et modo hic ad hunc diem venit tam prædict' T. per A. atturnatum ſuum quam præd' A. per S. atturnatum ſuum, & vicecomes mandauit quod preceperat I. L. balliuo libertatis &c. cui &c. qui eidem vic' ſic reſpõd', quod ſcire fecit pref. A. eſſendi hic ad hunc diem, oſtenſur̃ in forma p̃d', p̃ T. & G. probos &c. Et ſuper hoc p̃d' T. dicit, quod ipſe eſt conſang' & heres præd' I. filij W. viz. fil' I. fil' ipſius I. fil' W. &c. & petit verſus prefat̃ A. executionem &c.

I Et ſuper hoc, præd'. W. H. dicit quod præd' W. frater G. in fine præd' nominat̃, apud S. in coñ N. quãdam E. P. ad ipſam in vxor̃ ducend': eadem que E. ip̃m W. ad eum in virũ habend', inſimul affidarunt, Et poſt banna inter eos per tres dies feſtiuos a ſe diſtantes in eccleſia &c. publice proclamat, fuer̃ diſponſalia inter eos in facie eccleſiæ illius ſolemnit̃, celebrat̃, infra que diſponſalia, ijdem W. & E. habuerunt exit̃ inter ſe T. apud H. in eodem coñ N. genitum & natum, Qui quidẽ T. apud T. in coñ N. in eccleſia ſanct' A. ibidem duxit in vxorem quandam N. ijdẽque T. & N. poſt ſponſalia inter eos ibid' celebrat̃, habuerunt exit̃ inter eos quendam H. ibid' genitum & natum, ac idem H. apud dictã villam N. in eod' coñ in p̃d' eccleſia &c. duxit in vxorẽ quãdam I. ijdemq; H. & I. poſt ſponſalia inter eos ibidẽ celebrat̃, habuerunt exitum inter eos prædict' W. H. qui nunc ſequitur genitum & natum, & ſic idem W. H. que nunc ſequitur dic', quod ipſe eſt conſang' & heres præd' W. fratris G. de corpore ipſius W. fratris G. procreat̃, videlicet fil' præd' H. fil' dicti T. fil' eiuſd' W. fratris G. & petit verſus p̃d' R. S. ſeñ &c. exec' &c. Coſinage.

K Præc' fuit vic', cum quidam finis leuaſſet in curia dñi E. nuper Reg. Angl' &c. in oct' &c. anno &c. coram &c. per breue ipſius nuper Reg. inter S. P. & I. vxor̃ eius & S. fil' eorundem S. & I. quer̃, per E. cuſtodem ipſius S. fil' eorundem S. P. & I. ad lucrand', & W. P. perſonam eccleſiæ de T. & I. H. capellañ deforc', de duobus meſſuagijs &c. cum pertiñ in T. S. & W. vnde placit̃ conuentionis ſuiñ fuit inter eos in eadẽ curia, ſcz. quod præd' S. P. recogñ tenementa prædicta cum pertiñ eſſe ius ipſius W. vt illa que ijdem W. & I. tunc habuerunt ex dono præd' S P. & pro eadem recognitione, fine & concordia, ijdem W. & I. conceſſer̃ p̃d' S. P. & I. & S. filio eorund' S. & I. præd' tenementa cum pertineñ, & illa eis reddiderunt in eadem curia, Habend' & tenend' eiſd' S. P. & I. & S. filio Fine leuied to one by a gardein.

corum-

eorundem S.& I.& heredibus ipſius S.filij eorũdem S.& I. de corpore ſuo procreat', de capital' dñis feodi illius per ſeruitia que ad prædict' tenementa pertinerent imperpetuum,& ſi contingeret quod idem S. filius eorundem S.& I.obiret ſine herede de corpore ſuo procreato, tunc poſt peceſſum ipſorum S.& I.& S.filij eorundem S.& I.prædicta teñta cum ꝑtiñ integre remanerent hered' maſculis de corporibus ipſorum S.& I.exeuntibus, tenend' de capital' dñis feodi illius per ſeruitia, que ad præd' teñta pertinerent imperpetuum,& ſi nullus heres maſculus de corporibus ipſorũ S.P.& I.foret procreat', tunc præd' teñta cum pertiñ integre remanerent M.ſorori p̃d' S.filie præd' S. & I.& hered' de corpore ſuo procreatis,tenend' de capital' dñis feodi illius per ſeruitia que ad p̃d' teñta pertinerent,imperpetuum,& ſi cõtingeret q̃d' eadem M. obiret ſine hered' de corpore ſuo procreat', tunc poſt deceſſũ ipſius M. p̃d' teñta cum pertiñ, integre remanerent I.ſorori eiuſdem M. & hered' de corpore ſuo procreat',tenend' de capital' dñis feodi illius ꝑ ſeruitia que ad p̃d' teñta ꝑtinent imꝑpetuum, & ſi contingeret q̃d' eadẽ I.obiret ſine herede de corpore ſuo procreat',tũc poſt deceſſum ipſius I.p̃d' teñta cum ꝑtiñ integre reñ rectis hered' præd' S. P. tenend' de capital' dñis feodi illius per ſeruitia que ad p̃d' teñta pertinerent imperpet', ac iam ex inſinuatione I.A. conſang' & her̃ p̃d' M.de corpore ſuo procreat', acceperat Rex,quod p̃d' S.P.& I.mortui ſunt ſine her̃ maſculo de corporib' ſuis procreato,et p̃d S.filius præd S.et I.mortuus eſt, ſine her̃ de corpor̃ ſuo procreato quodque præd M. ſimiliter obijt, & quod quidam R. L. & alij,meſ.&c. p̃d cum pertiñ modo ingreſſi ſunt, & illa tenent contra formñ finis prædict',et quia &c. ſcire fac' ꝑfat' R.L.et al', quod eſſent hic ad hunc diem ſcz.a die &c.oſtenſur̃,ſi quid &c.quare meſ.p̃d cum pertiñ,que ipſi tenent in formñ præd,poſt mortem præd S.P. et I.et S. &c. ac pref.M.prefat' I.A.conſang' et her̃ ipſius M.de corpore ſuo procreat', reñ non debeant iuxta formam finis p̃d,eo quod præd S.P.et I.mortui ſunt ſine her̃ maſculo de corporibus ſuis procreat',et præd' S.filius præd S.et I.mortuus eſt ſine hered' de corpore ſuo procreat',ſi &c. Et modo hic ad hunc diem veñ tam prædict' I.A.ꝑ T.B.attorñ ſuum,quam præd R.L.et al' per I.K.attorñ ſuum,& vic' mand',quod ſcire fecit eiſdem R. L.& alijs eſſendi hic ad hunc diem,oſtenſ. in forma præd' per I. C.et alios probos &c.ſuper quo idem I.A.dicit, quod ipſe eſt conſang' & her̃ præd' M.de corpore ſuo procreat',videlicet filius I.fil' W.fil' S..fil' præd M.Et pet̃ executionem de tenementis præd ſibi adiudicare &c. Et prædict' R.L.et alij dicunt,quod ipſi non poſſunt dedicer̃ finem præd', nec quin præd S.P.per finem illum recogñ teñta prædict cum pertinentijs eſſe ius prædict' W.P.vt illa que idem W.ac præd' I.tunc habuerunt de dono prædict' S.P.nec quin pro eadem recogñ,fine et concordia,ijdem W. et I. per finem illum conceſſerunt tenementa illa,tenend' prefat' S.

P.

Scire fac' for the heire of him in the Reñ.

Confeſſion of the fine.

P. et I. S. fil' eorundem S. & I. et illa eis reddiderunt in eadem curia, habend' & tenend' eisdem S. P. et I. et S. filio eorund S. & I. et her ipsius S. fil' eorundem S. et I. de corpore suo procreat, Ita quod si contingeret, quod idem S. fil' eorũdem S. et I. obiret sine hered de corpore suo procreat, tunc post decessum ipsorum S. P. et I. et S. fil' eorundem S. et I. predict tenementa cum pertinentijs integre remaner hered masculi de corporibus ipsorum S. P. et I. exeunt, et si nullus heres masculus de corporibus ipsorum S. P. et I. foret procreat, tunc tenta prad cum pertinentijs integre remanerent prafat M. sorori pd S. fil' prædict S. P. et I. & hered de corpore suo procreat, nec quin prædict S. P. et I. mortui sunt sine herede masculo de corporibus suis procreat, nec quin prædict S. fil' prædict S. P. et I. mortuus est sine herede de corpore suo procreat, nec quin prædict M. similiter mortua est, nec quin prædict I. A. est consang. et hered prad M. in forma qua idem I. A. superius supponitur, sed omnia & singula premissa bene concedunt, Ideo cons. est quod prad I. A. habeat executionem versus prædict R. L. et al' de tenement prad cum pertinen &c. Iudgement dauer execut.

L Et modo hic ad hunc diem venit tam prędict' E. in propria persona sua, quam prad T. B. per W. atturnatum suum, Et vic' mand quod scire fecit &c. Et super hoc prædict E. dicit, quod ipse est consang. & heres prædict E. videlicet fil' R. fil' I. fil' A. fil' W. fratris R. patris ipsius E. & petit versus pref. T. B. execuc' &c. Et prædict T. dicit, quod prad E. executionem &c. virtute finis pred versus eum habere non debet, quia dicit quod quidam R. pater ipsius R patris E. quandam I. R. ad eam in vxor ducend, ac eadem I. ipsum R. ad eum in virum capiend, apud R. in comitatu N. adinuicem affidarunt, Et post modum bannis inter ipsos per tres dies festiuos a se distantes in Ecclesia parochiali de R. solemniter proclam, ceterisque concurrent in ea parte canonice requisitis, sponsalia inter eosdem R. et I. in facie Ecclesie eiusdem fuerunt legittime ac solemniter celebrat, infra que sponsalia ijdem R. et I. apud R. prædict habuerunt exitum inter eos ibidem genitum & natum predict' R. patrem prædict E. ac quendam S. medium, & post ipsius S. natiuitatem, prædict W. in fine prædict nominat, ipso W. iuniore, cui prædict E. se facit consang. et hered, et prædict R. pater R. et I. postea obier, et prædict R. fil' R. fil' R. habuit exitum ibidem prædict E. & obijt, ipsaque E. postea obijt sine herede de corpore suo exeunte, dicto W. E. viro suo in dicto fine nominato ipsam superuiuente, et ipse W. postea obijt, post cuius mortem prædict T. & M. in prædictum messuag. &c. in prædict villis de E. et M. intrauerunt vt in remanere suo pd, et inde seisit fuerunt in dnico suo vt de feod talliato virtute finis pd, & obierunt sine her de corporibus suis exeunt, post quorũ mort, quidam I. R. vt consang' et heres prad E. viz. fil' S. fratris R. patris Sci. fe. return. Cosinage al. leaged. Barre que aut fuit heire que estate il ad.

patris prædict' E. in teñt illa cum pertineñ intrauit, & inde fuit seisitus in dñico suo vt de feodo virtute finis præd', cuius quidē I.R. statum p̄d' T. B, modo habet in eisdē, Et hoc &c. vnde pet̄ &c. si execuc' &c.

Cosinage maintaine.

Et præd' E. dicit, qd' ipse ab executione mess. &c. in præd' villis de E. M & M. versus p̄f. T. hēd', per aliqua p̄allegata, excludi nō debet, Quia dic' qd' diu ante p̄d' sponsalia int̄ p̄f. R. patrem R. & I. R. vxor̄ eius celebrata, idem R. pater ipsius R. ipsam I. ad eam in vxorem ducend' ac eadem I. ipsum R. ad ipsum in virum capiend' apud M. in præd' comitatu B. adinuicem affidarunt, ac concurrentibus omnibus & singulis de iure in ea parte canonice requisit̄, sponsalia inter ipos R. & I. in facie eccleſie &c. fuerunt solemnit̄ ac legitime celebrata, infra que sponsalia, prædict' R. pater R. & I. vxoris eius apud prædictam villam de M. habuerunt exitū inter se, viz. patrem prædict' E. et præd' W. in fine prædicto nominatū filium suum medium, cui p̄d' E. se facit consang' & her̄ & p̄d' S. filium suum iuniorem, Absque hoc quod præd' S. fuit filius præd' R. patris R. & I. vxor̄ eius senior̄ præd' W. prout præd' T. B. superius allegauit, Et hoc &c. vnde pet̄ iudicium et execucion̄ &c. Et præd' T. B. dicit quod p̄dict' S. fuit filius præd' R. patris R. & I. vxoris ei⁹ senior̄ pref. W. in forma qua ipse superius allegauit, Et de hoc &c. Et prædictus E. similiter, & quia Iustic' hic nondum auisantur, an dictus exitus placiti predicti triari debet per homines de visū de M. in dicto comitatu E. vel per homines de visu de R. in dicto comitatu W. aut per homines de vno visu & alio, dies datus est partibus prædict' ad audiend' iudicium suum, hic in Octabis Hill' &c.

Venue.

Cosinage allege in sci. fac'.

Et super hoc prædict' W. L. dicit quod ipse est consang' et heres præ- N dict' M. videlicet fil' I. fil' I. fil' I. fil' ipsius M. geniti et nati apud T. in comitatu N. inter I. L. de T. quondam virum prædictæ M. et ipsam M. post sponsalia inter eos ibid' celebrata, et petit versus prefat̄ W. et A. execuc' &c. Et p̄d' W. et A. non cogn̄ aliqua in breui p̄d' per præd' W. L. preallagata contenta, ac protestando qd' ipsi ad genitur̄ et natiuitat̄ p̄d' I. fil' M. tam suspecta extra modum & tempus superius allegat̄ necesse non habent̄ nec per legem terre tenentur rn̄dere, protestand' etiam qd' p̄d' M. primo cepit in virum quend' I. L. de M. qui quid' I. & M. habuerunt exitum inter eos quend' I. idemq; I. postea obijt sine her̄ masc' de corpore suo et corpore p̄d' M. procreat̄ pro plac' dic' quod prædict' W. vt consang' & her̄ p̄d' M. execuc' p̄d̄ manerij de W. cum pertineñ, vnde &c. virtut̄ finis prædict̄ versus eos habere non debet, quia dicit, quod diu post mortem p̄d̄ I. L. de M. et ante aliqua sponsalia inter præd̄ I. L. de T et M. habit̄ seu celebrat̄, tam I. de H. pref. M. ad ipsam in vxor̄, quam ead̄ M. ad ipsum I. ad eum in virum habend', apud C. in coñ S. insimul affidarunt, ibidemque post banna inter eos in eccl' &c. p̄ tres dies festiuos a se distant̄ solemnit̄ proclamat̄, fuerunt desponsalia inter ipsos I. de H. & M.

& M.in facie eiuſdem eccleſie celebrat̃, & ipſi ibidem legitimo matrimonio copulati,infraque deſponſalia tota vita ipſius I.de H. ibidem cõtinuata,& ante aliqua ſponſalia inter prefat̃ I.L.de T.& M.habit̃ ſeu celebrat̃, præd' I.de H.& M.habuerunt exit̃ inter eos quendam N. apud C.præd' genitum & natum,& finis præd' in forma præd' leuauit, & p̃d' A.que fuit vxor W.poſtea obijt,poſt cuius mortem præd' I.de H. & M. fuerunt ſeiſiti de prædicto manerio de W.cum pertinentijs in dominico ſuo vt de feodo talliato, feodo & iure ſimplici in perſona ipſius M. quieſcente virtute ipſius finis præd',& de tali ſtatu inde obierunt ſeſit̃,& de ipſis I.de H.& M.deſcend' idem manerium de W. cum pertinentijs eidem N. vt fil' & hered' ipſorum I. & M. Qui quidem N. in manerium illud cum pertinentijs intrauit, & inde fuit ſeiſitus in dominico ſuo vt de feodo talliato feodo & iure ſimplici inde in perſona ipſius N. vt fil' & hered' ipſius M. quieſcent̃ per formam finis præd'icti, & habuit exit̃ quend' H.apud C.præd' genitum, & obijt, & de ipſo N. deſcend' prædict' manerium de W.cum pertinentijs vnde &c.eid' H.vt fil' & hered' eiuſdem N. qui quidem H. in manerium illud cum pertiñ intrauit,& inde fuit ſeiſitus in dominico ſuo vt de feodo talliato,feodo & iure ſimplici inde in perſona ipſius H.quieſcente per formam finis prædicti,& ſic inde ſeiſitus feoffauit quoſdam I.& E.&c.de eodem manerio cum pertinentijs, habend' eis & hered' ſuis imperpetuum, virtute cuius &c.in feod',quorum quid' I.&c. ſtatum præd' W. & A. modo habent in eodem manerio &c. & hoc &c.vnde petit iudicium ſi prædict' W.L. executionem eiuſd' manerij de W. cum pertinentijs virtute finis præd' verſus eos habere debeat &c.Et præd' W.L. non cogñ aliqua per præf. W.& A.preallegat̃ eſſe vera,immo minus vera & imaginata,& proteſtãdo etiam quod genitur̃ & natiuitas prædict' I.L.fil' M. per ipſum W.L. in dicta declarac' ſua de conſanguinitate quo modo eſt conſang' & heres ipſius M. contenta, ſunt & fuerunt vere & legitime & non ſuſpectiue allegata,prout per diuerſa recordat̃ tam in cancellar̃ coram & Cancellario:& in Scaccario coram Baronibus,quam in Theſ. domini Regis inter recorda de placit̃ armorum coram nuper Conſtabulario Ang' tentis reſideñ,necnon & per quam plura euidentia,munimenta,vera,iuſta & ſufficieñ,ac pro talibus in lege approbata & confirmata plene liquet . Pro placito dic',quod ipſe ab executione dicti manerij de W. cum pertineñ virtute finis prædict' habend',per aliqua per prædict' W.& A.inde preallegat̃,excludi non debet, quia dicit quod prædict' I.L. de M. & præd' I.L.de T.fuerunt vna & eadem perſona & non diuerſe perſone,& quod idem I.tota vita ſua,tam per nomen I.L.de T quam per nomen I.L. de M.nominatus & cognitus fuit,quodque dicta ſponſalia inter prefat̃ I.L de T.& M.concurrentibus prius,que in ea parte de iure canonice requirebant̃,apud prædict' villam de T. in facie eccleſie parochialis eiſudem

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ville fuer ſolemniter celebrata, infra que ſponſalia ijdem I. L. & M. habuer exitum inter ſe præd' I. L. fil' & her præd' M. ibidem genitum & natum, in forma qua prædict' I. L. per dictam declarac' conſang' prædict' ſupponitur, que quidem ſponſalia inter ipſos I. L. & T. M. ſic celebrat, ibidem continuat fuer tota vita eiuſdem I. & poſt mortem eiuſde I. prædict' M. cepit in virum præd' I. de H. abſque hoc quod prædict' deſponſalia inter præfat I. de H. & M. per præd' W. & A. preallegat habita ſeu celebrata fuerunt ante dicta ſponſalia inter prædict' I. L. de T. & M. celebrat prout ijdem W. & A. ſuperius allegarunt, & hoc &c. vnde petit iudicium ſi executionem &c. Et prædicti W. & A. dicunt, quod prædicta deſponſalia inter prædict' I. de H. & M. per prædict' W. & A. preallegata, habita & celebrata fuerunt ante dicta deſponſalia int prædict' I. L. de T. & M. celebrata in forma qua ijdem W. & A. ſuperius allegarũt, & de hoc poñ &c. Et præd' W. ſimiliter, Ideo præc' eſt tam vic' N. quam vic' S. quod &c.

Barre que le demandant fuit nee hors de les eſpouſels.

Et præd' P. dic', quod præd' W. execuc' verſus eum habere non debet, quia dicit quod, vbi præd' W. per breue ſuum prædict' ſupponit & aſſerit ſe fuiſſe filium & heredem præd' T. idem W. natus fuit extra omnia ſponſalia, & hoc paratus eſt verificare, vnde petit iudicium ſi prædict' W. vt filius & heres præd' T. ſeu alterius cuiuſcunque &c. verſus eum habere debeat &c. Et prædict' W. dicit quod prædict' T. pater ſuus habuit quandam vxorem ſibi deſpõſat A. nomine, de qua ipſe natus fuit infra ſponſalia inter eos T. & A. celebrata, & hoc paratus eſt verificare, vnde petit iudicium ſi &c. & executionem ſibi adiudicari &c. Et prædict' P. dicit, vt prius, quod prædict' W. natus fuit extra omnimoda ſponſalia, & non infra ſponſalia prædict', prout prædict' W. ſuperius allegauit, Et de hoc poñ ſe ſuper patriam. Et prædict' W. ſimiliter. Ideo duodecim &c. O

Et prædict' I. P. & A. non cogñ quod ipſi, que fuerunt partes fini prædict', nec aliquis eorum vnquam aliquid habuerunt vel habuit in teñtis & aduocac' in prædict' fine contenť, dic' quod præfat E. vt filius & heres prædict' W. execuc' de teñť & aduocatioñ verſus eos habere non debet, Quia dicit quod idem W. cepit in vxor quendam M. que quidem M. deſponſata fuit eidē W. apud E. in coñ S. & ibidem deſponſalia inter eos celebrata fuerũt, & dicit quod idem E. natus fuit apud C. in coñ S. ante deſponſalia, Et hoc parati ſunt verificare per patriam de prædict' coñ S. & qualiter curia hic conſ. vnde petit iudicium ſi idem E. execuc' de teñ & aduocatione præd', vt fil' & her præd' E. in hac parte verſus eos habere debeat &c. Et præd' E. non cogñ aliqua per præd' I. P. & A. ſuperius allegat, dic' quod ipſe per aliqua ꝑallegat ab executione de tenť & aduocac' præd' virtute finis præd' precludi ſiue repelli non debet, quia dicit quod præd' W. pater ipſius E. cepit in vxor præd' M. viz. apud M. in dicto P

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dicto coñ E.& ibid' desponsalia inter eos modo legitimo & secundum forum ecclesiasticum celebrat̃ fuerunt,et dicit quod ipse ibid' infra desponsalia illa inter ipsos W.& M.celebrata natus fuit & procreat̃, & hoc &c.per patriam de præd' coñ E.& qualiter cur̃ hic conſ.vnde pet̃ iudicium & execuc' &c.Et præd' I.P.&c.dic' quod præd' E.natus fuit apud C.in præd'coñ S.ante desponsalia inter præd' W.& M.celebrat̃,& hoc vt ꝑ pri parati sunt verificare per patriam,& qualiter cur̃ hic conſ. &c. Et præd'E.dicit quod ipse natus fuit & procreatus fuit infra desponsalia inter præd' W.et M.celebrata,videlicet apud M.in predict' coñ E.& hoc vt prius paratus est verificare per patriam de pred' coñ E.& qualitercũque cur̃ hic conſ. & quia videtur curie hic quod exitus placiti præd' per homines de vtroque comitatu pred' triari debet, Ideo prec' est vtrisque vicecoñ coñ pred' quod vterque eorum venire faciat hic tali die,duodecimo &c.per quos &c. Trial.

Rex Io.ead' gratia L.episcopo,salut̃,cum I.M. filius P.fratris G.B.in cur̃ nostram nobis ꝑ quodd' breue nr̃um de sci.fac. quosdam I.A.& P. G.de quodam mesſ.cum pertiñ in F.implicauerit,ipsiq; I.A.& P. iuxta debit̃ premunic' virtute dicti breuis nostri sibi fact̃, coram nobis cõparentes allegauerunt ipsum I.fore bastard',hoc pretendendo verificare, & quia huiusmodi cause cognitio ad forum mere spectat ecclesiastic' vobis mandamus,quod vocat̃ coram vobis, quos in ea parte fore viderit̃ euocand', diligent̃ inde faciat̃ inquisitionem,& plenariam veritatem inde per literas vestras sub sigillo vestro sigillat̃ nobis in oct' &c.vbicũque tunc fuerimus in Angl', reddat̃ certiores in hoc breue nobis tunc remittentes. Teste &c. Briefe al euesto certifie bastardy.

Et modo hic ad hunc diem venit tam præd' I.B.per B.atturñ suũ,quã predictus I.H.in propria ꝑsona sua,& vic' mand' qd' scire fecer̃ eidẽ I. H.essendi hic ad hunc diem &c.ostensur̃ in forñ p̃d' per N.B.&c. probos &c. & super hoc p̃d' I.E.petit versus præd' I.H.execution̄ &c. Et præd' I.H.dic' quod p̃d' I.B.execuc' de mesſ. p̃d' cum ꝑtiñ virtute finis præd' versus eum habere non debet, quia dicit quod ead' I. fuit seisita de eisdem mesſ.cum ꝑtiñ in dñico suo vt de feodo talliato virtute finis illius,cui⁹ quid' I.statũ præd' I. H. modo habet in messuagijs illis cum ꝑtiñ,& sic dicit quod finis præd' executus fuit in persona præd' I. ꝑ seisinam suam virtute finis illius,& hoc paratus est verificare,vnde petit iudicium si p̃d' I.B.execuc' mesſ.p̃d' cum ꝑtiñ virtute finis præd' in forñ p̃d'executi in hoc casu versus eũ habere debeat &c. & p̃d' I.B. dicit qd' qd' ipse ab execuc' mesſ.p̃d' cum ꝑtiñ versus pref.I.H.habend̄ ꝑ aliqua ꝑallagata excludi non debet.Quia dicit quod præd'I.non fuit seisita de præd mesſ.cum ꝑtiñ virtute finis præd',in forma qua pred' I.H. superius allegauit,& hoc pet̃ quod inquirat̃ per patriam,& pred' I.H. similiter,Ideo xij,&c. Returñ sci.fec' I.to whom the pl' maketh himselfe heire was seised, whose estate the tenãt hath.

Et

Et prædict' T.R. quoad octo acr̃ boſci cum pertinentijs in præd' vil- Q
la de H. vnde executio modo ſecuta eſt verſus eum, dicit quod prædict'
R. et H. qui fuerunt partes fini præd', tempore leuationis eiuſd' finis, an-
te, ſeu, poſt, nihil habuerunt in eodem boſco cum pertinentijs vnde &c.
vt de libero tenemento, immo quedam I.M. tunc fuit inde ſeiſita in do-
minico ſuo vt de feodo, cuius quid I. ſtatum inde, prædict' T.R. modo
habet, & die impetrac' prædict' breuis de Scire facias habuit in boſco il-
lo cum pertinentijs, & hoc paratus eſt verificare, vnde petit iudicium ſi
præd' P. fil' P. executionem earund' octo acrarum boſci cum pertinen-
tijs virtute finis prædict' in hoc caſu verſ. eum habere debeat &c. Et
quoad præd' centum ſolidatos redditus cum pertinentijs in eadem villa
de H. vnde executio ſimiliter modo ſecuta eſt, idem T. vlterius dicit, qd'
ipſe non eſt inde tenens preceptor neque deforc' redditus illius cum per-
tinentijs, neque tenens tenementorum, vnde idem redditus cum pertiñ
proueñ, vt de libero teñto, nec fuit die impetrac' pred' breuis de Scire fa-
cias aut vnquam poſt ea, Et hoc paratus eſt verificare, vnde quoad reddit̃
illum cu pertiñ, pet̃ iudiciũ de breui &c. et præd' P. fil' P. quoad dictũ
redditum centum ſolid', dicit quod die impetrationis breuis ſui de Scire
facias, ſcilicet die &c. anno &c. prædict' T.R. fuit tenens vt de libero te-
nemento de viginti acris terre cum pertinentijs in prædicta villa de H.
vnde redditus ille cum pertinentijs prouenit, Et dicit qnod idem T. tunc
fuit deforc' eiuſdem redditus cum pertinentijs vt de libero tenemento,
prout per idem breue ſupponitur: Et petit ſuo periculo executionem
eiuſdem redditus cum pertinentijs verſus eum adiudicari &c. Ideo &c.
quoad redditum illum cum pertinentijs, conſ. eſt quod prædict̃ P. filius
P. habeat inde executionem ſuo periculo verſus prefat̃ T.R. virtute finis
prædict' &c. Et quoad prædict' octo acras boſci cum pertiñ, vnde &c.
idem P. fil' P. dicit, quod tempore leuationis finis prædict', præd' T. &
G. qui fuerunt partes fini illi, fuerunt ſeiſiti de eod' boſco cum pertinen-
tijs vnde &c. in dñico ſuo vt de feodo &c, prout per eundem finem ſup-
ponitur, Et hoc petit quod inquirat̃ per patriam et p̃d' T.R. ſimilit', Ideo
quoad hunc exitum xij. &c.

Scias quod conſ. eſt in curia nr̃a &c. quod P.B. filius et heres P.B. ha- R
beat executionem verſus T.R. de centum ſolid' redditus cum pertiñ in
H. virtute cuiuſd' finis icde leuat̃ in curia domini E. quondam Regis &c.
apud W. in oct' &c. anno &c. coram W. B. et ſocijs ſuis tunc Iuſticiarijs
eiuſdem &c. de Banco, inter R. &c. queř et T.P. et B. vxorẽ eius deforc',
de redditu præd' cum pertineñ, ac de alijs terris et teñtis in eodem fine
contentis per defalt̃ &c. Et ideo tibi precipimus, quod eidem P. de red-
dit̃ præd' cum pertiñ ſine dilatione plenar̃ executionem et ſeiſinam ha-
bere facias T. &c.

Scias quod conſ. eſt in cur̃ &c. quod R. filius et heres R. habeat ſeiſi- S
nam

nam & execuc' verſus R.D.de manerio de A.cum pertineñ in coñ tuo per defalt̄ prædict' R. virtute note cuiuſdam finis nuper leuati in curia prædict̄ R. nuper Regis &c. apud W. a die &c. anno &c. coram R. B. & ſocijs ſuis Iuſticiarijs prædict' nuper Regis de banco, et poſtea in oct. &c. anno &c. ibidem conceſſ. et recordat̄ coram eiſdem Iuſticiarijs & alijs eiuſdem nuper regis fidelibus tunc ibi præſentibus, inter R. de A. &c. quer̄, & I. de S. & E. vxor̄ eius deforcianr̄, de manerijs de O. et R. cum pertinentijs in coñ N. et de prædict' manerio de A. in comitat̄ tuo, & ideo tibi præcipimus, quod eidem R. fil' R. de prædict' manerio de A. cum pertineñ ſine dilatione plenar̄ ſeiſinam et executionem habere facias T. &c.

Hēre fac' ſeiſinam ſur recouery ſur defalt̄ in ſcire fac'.

Poſtea die et loco &c. venit R. W. infranominat̄ in propria perſoñ ſua, et W. N. infranominat̄ ſolemniter exactus non venit, ſed I. vxor eiuſd' W. infranominat̄ in propria perſona ſua venit, et dicit quod maneria infra ſpecificat̄ ſunt ius ipſius I. et quod ipſa parata eſt oſtendere, quod prædict̄ R. W. executionem de manerijs illis virtute finis infraſcript̄ habere non debet, vnde ex quo venit ante iudicium redd' parata præfat̄ R. inde reſponder̄ & ius ſuum defender̄, pet̄ quod ipſa per defalt. præf. W. viri ſui non amittat inde ius ſuum, ſed quod admittatur inde ad defenſionem iuris ipſius I. Ideo &c.

Receite of a feme couert vpon her huſbands defalt.

Certaine caſes of the nature and forme of a Sci. Fa. vpon a fine.

A AND a Scire fac. to execute a fine, muſt agree with the fine, and then it is not materiall, if one thing be twiſe demaunded thereby, as a maner and a hundred parcell of the ſame maner, 27.H.8.2. Sect. 179. Surpluſage.

B A Scire facias may be ſued vpō the note of the fine, before it be ingroſſed by the Cirographer, 22.H.6.13. Vpon the note.

C But of a fine leuied before time of memory, a man ſhal not haue execution by Scire facias, 1.E.4.6. Contr̄ 16.H.7.9. A fine before memorie.

D Where a fine executory is leuied of a Seigniory, if the land eſcheat, or the tenant be foriudged &c. the Cognizee ſhall haue a Scire facias of the land in lieu of the ſeruices, 48.E.3.11. Of land in lieu of the ſeruices.

E A Mittimus maketh no mention whether the fine be ingroſſed or no, but, cum quidam finis leuaſſet &c. 22.H.6.13.

F If a fine be leuied to A. in taile, the remainder to B. in taile, the remainder to C. in fee: And the record is ſent into the Chauncerie, and the firſt tenant in taile dyeth without iſſue, and the record commeth backe into the Bench by Mittimus, at the ſuit of him in the firſt remainder, and thereupon he had a Scire facias to execute the fine, & died without iſſue before execution had, he in the remainder in fee ſhall not hereupon haue a Scire facias, without a new cōmaundement, becauſe the record was once out of the Court, & came againe at the ſuit of him in the

first remainder, vnto whom he in the remainder in fee is an estranger, yet thissue of him, which remoued the record in this cause, might haue a Scire facias, without any new commaundement, because he is priuie, 14.H.7.16. 9.E.4.15. 11.E.4.13.

If two sue a Scire fac' to execute a fine, & the one dieth, the survivor G
shal haue a Scire fac' without any new commaundement, 1.E.4.13.

But if diuers persons, as heires vnto A. B. pray a Scire fac' it is not H
graunted, vntill they haue sued seueral writs to the Justices of the bench, cõmaunding them to make execution, 11.E.4.13. T.21.E.4.

Coment cosin & heire. In a Scire facias to execute a fine, as cosin and heire to him in the re- I
mainder or reuersion, after the death of the particuler tenant, the plaintife needeth not to shew how cosin and heire, so long as the plea hath continuance by Idem dies &c. giuen to the tenant, nor at his appearance, nor vntill the plaintife pray execution: And then the coment cosin & heire, is to be entred thus in the Roll onely: Et prædictus I. dicit quod ipse est consanguineus & hæres I.W. videlicet, filius & hæres T.W. fratris & hæredis eiusdem I.W. 33.H.6.54. 41.E.3.13.& 24. 8.H.4.31.

Bastardy. In Scire facias by him in the remainder vpon an estate tayle vers A. K
B. supposing the donee to be dead without issue, if A. B. plead that he is issue to the donee, and the plaintife replieth that he is a bastard, it is a good replication, 40.E.3.16.

Vpon estate executed. Scire facias vpon a fine leuied to T.R. and W. and to the heires of L
the bodie of R. the remainder to the right heires of the said W. T. died, and R. died without issue, and W. survived and died, his heires need no Scire facias to execute this fine, because it is executed in his life, by the vnion of the fee and franktenement in W. 40.E.3.20. And so if a fine be leuied to baron & feme, and to W. and his heires, & he dieth, and then the baron and feme do die, the fine is executed for one moitie in the life of W. Fitzh. Scire fac' 19. 42.E.3.9. 24.E.3.57.

Ayde. Tenant for life in Scire facias had ayde of him in remainder, 41.E.3. M
fol. 16. and 20. 22.E.3.12.

Death shewed In Formedon in Reuerter or Remainder, the demandant must mẽ- N
tion the death of euery one, which had estate and survived his auncester. But not so in a Scire facias sur fine, 42.E.3.19.

Seuerall estates. If the plaintife haue seuerall estates created by one fine, needeth but O
one writ of Scire fac'. 43.E.3.11. though it be of seuerall things against seuerall tenants, 11.H.4.15. 21.E.3.14. 24.B.3.25.

Default. If in a Scire facias the Shirife returne the partie summoned, and he P
appeare not, execution shall be awarded, 43.E.3.13.

Reuersion. If a fine sur cognizance de droit come ceo &c. be leuied of a reuer- Q
sion by the name of the land, it is not executory, 43.E.3.15.

If

R If the ſeruices eſcheat after a fine leuied of the ſeigniory, the Cogni- Seigniory.
zee ſhall haue execution of the land eſcheated, 48.E.3.11.

S A Scire fac' lieth ſometimes of things not compriſed in the writ: as Of things out
if in a fine ſur releas, the Cognizee render rent in taile, 49.E.3.8. of the writ.

T If land be giuen by fine for life, the remainder to baron & feme in Execution by
tayle, & the baron dieth, & then the tenant for life dieth, and the feme en- entrie of him
ereth, the fine is execute, ſo as their iſſue needeth no Sci.fac' 49.E.3.12. in remainder.

V Scire facias lieth for the donor in taile againſt any that abateth after Of a Reuer-
the death of the donee in taile by fine without iſſue, 22.E.3.12. ſion.

W Upon general Nontenure pleaded, the plaintife may take executiõ at Nontenure
his peril: But ſpecial Nontenure ſeemeth a good plea, 7.H.6.25. general or
ſpecial.

X A man ſhall not haue execution vpon nihil retorned, becauſe the te- Nihil retor-
nant may be ſummoned in the land demaunded, 24.E.3.25. ned.

Y If a fine be leuied to huſband and wife in taile, the remainder to his Demy ſank.
right heires, & they hauing iſſue, the huſband dieth, the wife hath iſſue
by another huſband and dieth, thiſſue by the firſt huſband, entreth and
dieth without iſſue and his next heire entreth as into the remainder in
fee, againſt whom the iſſue by the ſecond huſband bringeth a Scire fac',
and recouereth, by reaſon that the fee could neuer execute in poſſeſſion,
in thelder brother, during theſtate tailly, 24.E.3.30.& 62.

Z Feoffement with warranty from the plaintifes auncеſtor is a good Feoffement.
plea in Scire facias vpon a fine, 22.H.6.39.

& The heire ſhall haue his age in Scire fac' Contr Weſtm 2.cap.45.
24.E.3.29.& 60.

What fines with proclamations barre not thiſſue in taile.

A NO fine leuied by tenant in taile barreth his iſſue maintenant, but Sect.180.
where the tenant in taile is cognizor, as if tenant in tayle bring a
writ of Couenant againſt an Eſtranger, and recognize the land to be
the right of the tenant in taile, as that which he hath of his gifte &c.
and the tenant in taile graunt and render the land to the cognizor for
yeares, yeelding rent &c. & die, this fine is void againſt thiſſue in taile.
M.10.& 11.Eliz. Dyer f.279.p.7. 36.H.8.Br.fines 118.

B A fine with proclamation leuied by tenant in taile, the reuercion or
remainder being in the king, bindeth not thiſſue in tayle, as it ſeemeth.
Br.fines. 121. But if ſuch lands weare entailed by the king, ſuch fine
barreth not thiſſue in tayle. 32.H.8.ca.36.

C If an Eſtr leuie a fine to tenant in taile ſur cognizanee de droit
come ceo que il ad de ſon done, and he render to him a rent in fee, and
die after proclamation, yet thiſſue in taile may auoid it, for he is remit-
ted, and the rent is another thing then the land. 15,Eliz.Plo,fol.435.b.
per Thornton.

If tenant in tayle of an aduowſon, graunt and rendze by fine the no- D
mination of the Clerke, it is void. 15. Eliz. Pl. f. 435. b. p Thornton.

If tenant in taile of a rent diſſeiſe the tenant of the land, and leuie a E
fine with pzoclamacion of the land, thiſſue in taile is not barred foz the rent, becauſe the fine was not leuied of the rent but of the land, per Thornton, and granted 15. Eliz. Plo. f. 435. b.

If tenant in taile graunt a rent by fine, his iſſue may auoid it. 15. F
Eliz. Plow. 436. 14. aſſ. p. 4.

What time after a fine leuied, and proclamation made, any man hath to enter or claime by action, or, otherwiſe, & who are ther-by barred forthwith, and who not.

Hetherto of the formes and execucion of fines, now let ſee how they may be auoided.

Sect. 181. TO know what time, pſons, that haue cauſe to enter oz claime, may A
enter oz claime, after a fine leuied, many things are to be weyed: foz ſome pſons haue moze time, & ſome leſſe: foz the diſcuſſing of which queſtion, we muſt not onely conſider the qualitie of the perſons, which ſhould claime oz enter, but alſo the qualitie of their rights and eſtates: And the parſons be either ſuch, as are void of impediments, oz ſuch as haue impediments: And the ſame be either parties, oz, pziuies to the fine, oz, eſtrangers to the ſame. And againe, they haue either pzeſent right, oz, future right: And vnto thoſe which haue future right, ſuch haue the ſame, either wholly after the fine, oz, partly befoze, and partly after: And ſome of them, haue, but one title, and ſome diuerſe: And, o-thers haue no right to the tenements compziſed in the fine, but to ſome things therein, oz, iſſuing out of the ſame.

Parties. Parties to fines, void of impediments at the time of the leuying of B
the ſame, and their heires, are thereby barred pzeſently, & haue no time at all, to auoid the ſame, by entree, oz claime, 1. R. 3. ca. 7. 4. H. 7. c. 24. whether they be perſons, hauing naturall capacities, oz, ciuill.

If they be ſuch ciuill bodies, oz, cozpozations, as haue in themſelues C
abſolute eſtate and authozitie of their poſſeſſions, ſo as they may main-taine a writ of Right thereof, as, Maioz and Comminaltie, Deane and Chapter, Colledges, ſocieties cozpozate, & ſuch like, & their ſucceſſozs, are barred by fines pzeſently. Plow. 338. a. T. 20. Eliz.

But, Deanes, Biſhops, Pzioz, Abbots, Maſters of Hoſpitals, Par- D
ſons, Uicars, Pzebendaries, Chauntrie Pzieſtes, and ſuch like, which may not haue a writ of Right, but either a Iuris vtrum, Fitzh. Nat. fol. 48. r. oz, fine aſſenſu capituli: Fitz. Nat. fol. 118. i. are not barred by ſuch fines if the patron and ozdinarie ioine not with them. Plow. 538. a 20. Eliz. 375. b. 11. Eliz.

How

How priuies in bloud, are bound in fines.

A AND by the same statuts 1.R.3.c.7. 4.H.7.c.24. priuies in bloud, as heires of the cognizours, claiming by the same title, that their ancestor had, that leuied the fine, be barred presently thereby, whether they be void of impedimēts, or no. As if lands of Socage tenure, be giuen to baron & feme, in special taile, the remainder to the right heirs of the baron in fee, & the baron sole leuieth a fine with proclamatiō to his owne vse in fee, & after deuiseth the same lands to A. in fee, & hath issue, & then the baron & feme die, this issue in taile is barred, because he can not otherwise conuey himselfe to the title and discent in taile, then as heire of the bodie both of his father and mother. Tr. 18. Eliz. Dyer f. 251. p. 24. 9.H.8. Dier f. 3. p. 6. 32.H.8. Br. Fines 109. Sect. 182. Priuies.

B So if husband & wife, tenants in speciall taile, haue issue, & the wife die, & the husbād marrie an other wife & haue issue, & leuie a fine sur cognizance de droit come ceo &c. and by the same fine take estate in special taile, the remainder ouer &c. & die, this issue by the first wife, is barred, because he is priuie in bloud, the cōtinuance of the possession in the husband notwithstanding, 32.E.3. Dyer pla. 16. Eliz. f. 334. p. 31. & 32. Priuies.

C But if my fathers brother disseise him, and leuie a fine with proclamation, & my father and my vncle within fiue yeares after proclamatiō die, yet may I auoid it by entre, at any time before thend of the said fiue yeares, notwithstanding that I am priuie in bloud vnto mine vncle, for that my title to the land groweth by my father, and not as heire vnto mine vncle, P. 19.H.8. Dyer fol. 3. p. 2.

D Neuertheless, if my father disseise my graund father of an estate in fee, and thereof leuie a fine with proclamation, & first my graundfather, and then my father die, I am now barred, as priuie, because I cannot otherwise conuey my selfe to the lands, then as heire vnto my father the Cognizor, P. 19.H.8. Dyer fol. 3. p. 3. Priuies.

Of Estraungers hauing present right, and no impediment.

A BUt Estraungers to fines (which be all persons not parties nor priuies) and being void of impediments naturall & legall, hauing present right to the lands in the fine, haue onely fiue yeares after proclamations, to enter & claime their right, 1.R.3.ca.7. 4.H.7.ca.24. Sect. 183.

B As if one haue a Remainder, or a Reuersion, depending vpon an estate for yeares, or by statute Staple, statute Marchant, or Elegit, and the termor be disseised, and a fine leuied &c. and fiue yeares passed, they be all barred thereby: for that these Termors might presently haue entred, & he in the Reuersiō or Remainder for such disseisin might haue had an Assise: So that Statute 4.H.7.ca.24. seemeth to barre the termors through negligence, by this woord interest, which comprehendeth a terme. Plow. fol. 374.a. Tenant in remainder or reuersion vpon estate for yeares, or at will.

And if a tenant in taile be disseised, and a fine leuied with proclama- C
tion, and fiue yeares past, and the tenant in taile dieth, thissue in tayle is bound for euer, per Dyer and Catlyn, for the right was present to the tenant in taile at the time of the fine leuied, and he can not claime, but by the same title, which his father had, which was barred in his life time, Plow. fol. 374. a. Dyer fol. 3. p. 6. 19. H. 8. 7. The like it is of the laches of him in the remainder or reuersion, for it barreth him and his heires, Plow. fol. 374. a. Dyer fo. 3. p. 6.

Of Estrangers hauing present Right, and impediments.

Sect. 184. BUt estraungers to fines, pestered with impediments, of Infancy, A
couerture, madnes, ideocy, lunacy, imprisonment, or absence out of the Realme at the leuying of fines, and hauing then present right, or interest, haue yet libertie fiue yeares, after such infirmitie remoued, to make entrie, or claime, &c. 1. R. 3. ca. 7. 4. H. 7. ca. 24.

Infants. And therfore an Infant hath fiue yeares, after he accomplish his full B
age (though he be in his mothers wõbe) Plow. 367. a. because the law intendeth that Infants by reason of their tender yeres, do want vnderstanding, to know their right, & whether their entries be lawfull or no, And how to make their entries and claime, or bring their actions, according to their title, Plow. fol. 359. b. 4. H. 7. ca. 24.

Yet if my fathers brother disseise him, and leaue a fine with pro- C
clamation, and a yeare after the proclamation my father dieth, And after, and within fiue yeares, my vncle dieth, I by reason of mine Infancy haue onely so much time to auoid the same, as at the death of my father remained to come of the fiue yeares next after the proclamation, & not new fiue yeares, because I claime by the same title that my father had, in whom the first fiue yeares were attached and begun, Dyer fol. 3. p. 2. In like maner, and for the same reason, if the father, or other auncester, be disseised, and the disseisor leuie a fine with proclamation, and within fiue yeares after the proclamation, the auncester dieth, his heire being within age, yet if he make not his entrie, or claime, within the first fiue yeares after the proclamation, he is barred, Plow. fol. 367. b. 377. a. As it is there adiudged.

Non sane memorix. Mad men, and lunatiques, estrangers to fines, haue the like libertie, D
to enter, or claime, that Infants haue for their indiscretion, 1. R. 3. c. 7. 4. H. 7. ca. 24. Yet, as it seemeth, if non sanitie of memorie happen after ỹ fine leuied, and before the last proclamation to be made, the parties be not tied to make claime or entrie, during the first fiue yeares, but shal haue fiue yeares after they be cured of their said maladies, because they grow by the act of God, Plow. fol. 375. a. & 366. a.

Couerture. And a Feme couert, being an estranger to a fine, hath fiue yeares, af- E
ter she be discouert, to pursue her right, for that during the couerture,

she

ſhe wanted power to do the ſame without her huſbands conſent, who perchance would neither do it, nor ſuffer it to be done: Howbeit if a Feme ſole being an eſtranger to a fine, and haue preſent right &c. take a huſband, who ſuffereth the fiue yeares to incurre, ſhe is thereby barred for euer, becauſe it was her owne voluntarie act and follie to marrie ſuch an huſband. Plowd. fol. 366. a.

F Eſtrãgers to fines, impriſoned at the time of the fine leuied, haue the like liberty to auoid fines, that Infants haue, becauſe the law intẽdeth, that priſoners are ſo cloſely & ſtraictly kept from the conference of others, that they know not, what happeneth abroad, And do alſo want libertie to take counſaile, & make their entrees & claimes, & therfore no laches is in this behalf imputed to them. Plo. f. 360. a. & 366. a. But if ſuch impriſonment happen after the fine leuied, before the laſt proclamatiõ made, it ſeemeth he ſhal haue 5. yeares after his enlargement, becauſe thimpriſonment is not his voluntary act. Plow. 375. a. 366. a. Imprisonm.

G An Eſtr to a fine, being out of the realm, at the leuying thereof, hath 5. yeares after his returne to enter or claime, But if he had bin in England at the leuying of the fine & after had gone beyond the ſeas, and ſuffered the 5. yeares after proclamation to paſſe, he had bene barred. Plo. f. 366. a. 7. Eliz. 4. H. 7. ca. 24. But if he be ſent beyond the ſeas in the kings ſeruice by his commandement, it ſeemeth otherwiſe. Out of England.

H And ſuch ciuil bodies or corporatiõs, as haue in themſelues abſolute eſtate and authoritie of their poſſeſſ. ſo as they may maintaine a writ of Right thereof, as, Maior & Cõminaltie, Deane & chapter, colledges, ſocieties incorporate, & ſuch like, they and their ſucceſſors, are barred by fine and nonclaime by 5. yeares. Plo. f. 538. T. 20. Eliz. Corporations.

I But, Deanes, Biſhops, Priors, Abbots, Maſters of hoſpitals, Parſons, vicars, prebendaries, chauntrie prieſts, and ſuch like, hauing ioint power, and which may not haue a writ of Right, but either a Iuris vtrum, Fitz. Nat. f. 48. r. or, ſine aſſenſu capituli, Fitz. Nat. f. 118. i, are not barred by ſuch fines, and nonclaime by 5. yeares. Plow. 538. a. 20. Eliz. 375. b. 11. Eliz. Corporations.

Of Eſtrangers hauing diuers defects,

A And moreouer, eſtrangers to fines, hauing diuers defects or infirmities, as infãcy couerture, non ſanitie of memory, impriſonmẽt, abſence out of the realme, to auoid fines, muſt haue 5. yeares after the laſt of the ſaid infirmities remoued. Plow. 375. a. Sect. 185.

B But if they haue diuers impedimẽts, which be al, once after the pclation, wholy remoued, & after, they fall into the like againe, and die, their heires are not to haue new 5. yeres, but the firſt 5. yeres, begun in their auncеſtors, immediatly after their firſt impediments ſo remoued, ſhall proceed, and non clayme of their heires, during all the reſidue of the

said fiue yeares, bindeth them, as their said auncesters should haue bene bound thereby, if they had remained void of such impediments during all the same fiue yeares, Plow.f.375.a

Of Estrangers, without impediments, hauing future Right for cause precedent.

Sect.186. THus much of Estrangers to fines, hauiug present right: now of such, as haue future right, which right is of two sorts: for it groweth, eyther wholy before the proclamation, or, partly before and partly after the same. A

And therefore Estr̃ to fines, voide of the said impediments, whose right, title, claime, or, interest, first groweth, remaineth, discendeth, or, commeth to them, after the proclamation, by force of any matter or cause had or made before the same, haue only fiue yeares, after that such right &c. first groweth, discendeth, remaineth, or commeth vnto them. 1.R.3.ca.7. 4.H.7.ca.24. As if a Morgagee be disseised, and the disseisor doth leuie a fine with Proclamation, and the fiue yeares after the proclamation the morgageour paieth or tendreth the money according to his bargaine, he may lawfully enter at any time within fiue yeares after the said payment or tender, because his title first accrueth thereby after the proclamation, by reason of the cõdition and morgage made before the same. Plow.fol.378.a.b. B

In like maner, and for the like cause, he, which hath a Remainder or reuercion, depending vpon an estate of freehold, hath fiue yeares, after that his remainder or reuercion eschaweth, to enter &c. And his heire, if he die before entree &c. hath onely fiue yeres, after the death of the particuler tenant, to enter. Plow.fol.374.a.b. C

And if the tenant in tayle leuie a fine with proclamatiõ, after ẏ fiue yeares he dieth without issue, the donor hath fiue yeares after his death, to bring his formedon in Reuerter because he is the first, vnto whome the right commeth after the proclamation for cause precedent. Plow.fol.374.b. D

And if tenant in taile discontinew in fee, and the discontinuee leueth a fine with &c. and fiue yeares do passe, and the tenant in taile dieth, yet his issue hath fiue yeares after his death to bring his formedon in discender, because he is the first to whom the right of the entaile commeth after the proclamation, by force of the guifte in taile made before the fine. Plow.374.a. 19.H.8.7. Dyer f.3.p.5. E

Of Estrangers with Impediments hauing future Right.

Sect.187. AND Estrangers to fines, hauing future right for any cause precedent the fine, being affected with such impediments, when their right first accreweth, haue fiue yeares after such impedimẽts remoued, to pursue for the same. 1.R.3.c.7.4.H.7.c.24. As Infants, aswel those A

which

which be borne, as those which be in their mothers wombe, when such right happeneth to them. Plo. fo. 367. a. Femes couert, madmen, Lunatiques, prisoners, persons beyond the Sea, as appeareth before where it is spoken of them hauing present right. Plo. 366. a. 7. Eliz.

B As if a man haue issue a sonne and a daughter, which sonne purchaseth lands and dieth. And the daughter entreth as his heire, and is disseised by A. who leuieth a fine, and fiue yeres passe without claime. And x. yeres after the father hath an other sonne, which is heire to his brother, he shal haue new v. yeres after he come to his full age, because he is the first to whom the right discended after the proclamation, by reason of the discent which was before them, Plo. fo. 374. b.

C But if an estranger to a fine, to whom a Remainder, or other title, first accrueth after the fine, doe not pursue his right within v. yeres, he and his issue are barred for euer, 19. H. 8. Dyer fo. 3. pl. 6.

D And in like maner, if the first issue in taile, to whom the title of the intaile first accrueth, neglect his v. yeres, the whole estate taile is thereby bound for euer, 32. H. 8. Br. Fines 100.

E If he, which abateth after the death of a tenant in fee, make a feoffement vpon condition, & the feoffee leuie a fine, and v. yeres after proclamation passe without entrie or claime made by his heire, the heire is barred: But if afterwards, the condition be broken, and the Abator therefore enter, then the heire may haue an Assise of mortdauncester against thabator, or entrie vpon him at any time, and he hath no defence. For if he plede in barre of the assise the fine leuied to the cognisee, and that he hath his estate, the speciall matter of the abatement, condition, and reentrie, may be pleaded in defesance thereof, for he can neuer challenge priuiledge by the state of the cognisor, which he himselfe defeated, Plo. fol. 358. b. 7. Eliz.

Of Estrangers hauing no right for any cause before the fine.

A But estrangers to fines, hauing neither present, nor future right &c. at the leuying thereof, by reason of any matter had before the fine, whose right groweth either intirely after the Proclamation, or partly before and partly after, may enter or claime, when they please, within the time of the prescription. Sect. 188.

B As if the father die seised, his eldest sonne being professed, and the ponger sonne entreth, and is disseised, and a fine with proclamation leuied, and after the elder sonne is deraigned, it seemeth he is bound to no time, Plow. fo. 373. a.

C So if the husband leuy a fine of his owne landes, whereof his wife is dowable, and die, and fiue yeres passe after his death she is not barred of her dower, because her title to be endowed accrueth after the fine leuied, Dower.

namely

namely by the death of her husband, for before his death, she had onely a possibility of dower, and not any right, title, or interest thereunto, Plo.fol.373.a.

And if a tenant cease one yeare, and then a fine with proclamation is leuied, And afterwards a tenant ceaseth another yere, The Lord may haue his cessauit per biennium tr. yeres after the Proclamation made, because his right and title groweth partly before the fine, & partly after the fine leuied, that is at the end of the two yeres of his tenants ceasser, Plo.fo.373.b. D

Of Estrangers hauing diuerse future Rights, by diuerse titles.

Sect. 189. But if Estrangers to fines, haue seueral future Rights, by diuers titles growing at seueral times, it seemeth, that they shall haue seuerall fiue yeres, to make entrie or claime, commencing from such time as their seueral titles first accrewe vnto them: As if tenant for life, the remainder in fee, make a feoffement in fee. And the feoffee leuy a fine with &c. and he in the Remainder suffer the first fiue yeres to passe, he is by his laches barred of his entrie, for the forfaiture growing by the alienation of his tenant during his tenant for life, because he had present right at the leuying of the fine to enter for the same, yet if after the tenant for life do die, he hath other v. yeres, to bring his Formedon in Remainder, because that is a newe title or right, by which hee could not haue his Formedon during his tenant for life, And he had his election to take aduantage of the forfaiture or not, Plo.fo.373.b. Quere, for there Catlyn thinketh otherwise, because his title to the land by the forfaiture accrued to him in the life time of his tenant for life. A

If I. S. be tenant Pur auter vie, the Remainder to an other for life, the remainder to the same I.S. in fee, and I.S. is disseised, and the disseisor leuieth a fine with proclamation, and the fiue yeres passe, I. S. is bound for his future and present estate for life: But if cestuy que vie, and he in the meane remainder die, now, I.S. shal haue other fiue yeres, to enter for his remainder in fee, for it then first remaineth vnto him by the death of him in the meane Remainder, & cestuy que vie, forcause growen wholy before the fine, that is, the state so made before, which is an other title, Plowden 367.b. per Welshe, and diuers Iustices, Plow.367.b. B

In like maner, if land: begiuen to I.S. for the life of A. the remainder to him for the life of B. the remainder to him for the life of C. and he is disseised, & the disseisor leuieth a fine with proclamation, now I.S. for his present right, hath v. yeres by the first Sauing of the Stat. 4. H.7.cap.24. And v. yeres after the death of A. by the seconde Sauing, which is of future right, and other v. yeres after the death of B. for his C

second

ſecond remainder, for quando duo iura in vna perſona concurrunt, æquum eſt, ac ſi eſſent in diuerſis, Plo. 368. a.

D If a man diſſeiſe a feme ſole, and after marry her, and haue iſſue by her, & the baron is diſſeiſed before mariage or after, and a fine with proclamation leuied, firſt the baron, & after the feme, die within the v. yeres, the iſſue being of full age, the v. yeres paſſe, he is thereby bound, as heire to his father, but hath other v. yeres, after the death of his mother, to enter, for albeit it is but one ſelfe ſame lande, yet the heire hath ſeuerall rights thereunto, growing at ſeuerall times, thone as heire to his father, thother as heire to his mother, in regarde whereof he hath ſeuerall times, Plow. 367. b.

E So if the huſband maketh a feoffement of his wiues lands vpon condition, which is broken, he leuieth a fine with &c. the huſband hath iſſue by his wife, and dieth, the firſt v. yeres paſſe, and then the wife dieth, the heire is barred of his entrie for the condition as heire to his father, but ſhal haue v. yeres after the death of his father, to claime &c. becauſe it is a title differing from that which did diſcend from his father, accrueing to him firſt by the death of his mother, Plo. 367. a.

Eſtrangers to fines, hauing neither preſent, nor future right, to the tenements in the fine, at the leuying thereof, but onely vntorents, common, &c. iſſuing out of the ſame.

A And Eſtrangers to fines, hauing neither preſent, nor future right to the tenements in the fine, but vnto ſome thing, in, or, iſſuing out of the ſame, ſeeme not barrable at all, by any ſuch fine & nonclaime. As if a tenant in Auncient demeſne leuy a fine with &c. at the common law, of his lands in auncient demeſne, the Lord in auncient demeſne may haue his writ of Deceipt, and thereby auoid the fine at any time, & thereupon his tenant ſhal be reſtored to the land, becauſe the Lord claimeth not the land, whereof the fine is leuied, but his auncient Seigniory and ſeruices iſſuing out of the ſame, Plo. 370. b. Sect' 190.

B It ſeemeth, ſuch fines doe not barre ſuch eſtrangers, as haue rent, cõmon, way, eſtouers, or any ſuch charge out of the land, for it ſeemeth that theſe fines extend onely to binde the ſtate, title, right, claime, entrie and intereſt, in, and to the land, and no profits to be taken out of the lands, nor to take power giuen to executors or others to ſell the land. Brooke tit Fines 123.

Pleas to auoide Fines.

A It is a good plea to ſay, that I. S. was ſeiſed tempore leuac', and before the fine leuied, without that that the parties to the fine, had any thing Sect' 191.

thing therein at the time of the fine leuied, 9.H.4.27.3.H.6.27.

Or to say, that the parties to a fine had nothing &c. but A.B. whose B
estate he hath. Et de hoc ponit se super priam, 33.H.6.18. 26.H.6.t.9.
42.E.3.20.4.H.4.8.14.H.4.33.4.H.7.ca.24.

If there be two R.D. of one name, & the one leuy a fine of the land of C
thother, thother may auoid the fine by pleading that there be two of one
name, and thother R.D. leuied the fine, and not he: And in like maner if
any estranger, leuie a fine in the name of another, that is owner of the
land, 34.H.6.19. Contr ten 19.H.6.44. because it is a matter of re-
corde, therefore hath no other remedie in such case but an action of
disceit.

Neither parties to fines, nor their heires, may pleade in auoidance D
thereof, that before the leuying, and at the leuying of the same, & since,
the demaundant, or plaintife, or their heires, were alwaies seised of the
lands conteined in the fine, or, of parcel thereof. Stat de finibus 27.E.1.
ca.1.12.E.4,15.& 19.yet by Fairefax, if tenant in taile, the remainder
in fee, leuie a fine sur cognisance de droit come ceo &c. hee in the re-
mainder, may auerre the continuance of possession, notwithstanding
the fine and statute, because he is neither the partie, nor his heire, and
so may a Feme couert, where her husbande sole leuieth the fine, 12.E.
4.12.

The issue in taile may auerre continuance of possession against a fine E
sur cognisance de droit tantum, or surrender, but not against a fine sur
cognisance de droit come ceo que il ad de son done, because that fine is
executed, and the other executorie, 12.E.4.15.& 19.11.H.4.85.

Of a writ of Error.

Sect. 192. A Writ of Error to reuerse a fine, lieth where there is Error in any A
fine, and thereby not the Record of the fine it selfe shall be remoued,
but the transcript thereof, vpon which transcript of the note of the fine,
the plaintife may assigne his errors: And if the Iustices thinke, that the
point assigned for error, is error, they may send for the note of the fine, &
reuerse the same, Fitz.nat.fo.20.f. As if baron and feme leuie a fine to an
estraunger, the feme being within age, they may haue a writ of error to
reuerse the fine, for this cause during her nonage, Fitz.nat.21.d.27. ass.
pl.17.50.E.3.4. And when a fine is to be reuersed by error, the course is
for the plaintife in the writ, to haue seueral writs of Error, one directed
vnto the chiefe Iustice of the court of Common plees to certifie the re-
cord & proces of the fine, another vnto the Custos br. of the same court to
certifie the transcript of the foote of the fine, and the third vnto the Chi-
rographer to certifie the transcript of the record and proces of the fine:
the seueral formes whereof be, as followeth.

A writ

A writ of Error directed vnto the chiefe Iustice of the court of common plees.

Regina &c. dilecto & fideli suo Edm. Anderson Militi, salutem. Quia in record' & processu, ac etiam in leuatione cuiusdam finis in cur' nr̃a, coram vobis & socijs vestris Iustic' nostris de banco, apud Westm̃ in octabis S. Michaelis vltimo preteritis, per breue nostrum de conuentione inter I. G. seniorem armig' & M. vxor̃ eius & I. G. iuniorem generosum querent̃ & G. H. deforc', de manerio de G. cum pertiñ, ac de vno messuagio, xv. cottagijs, quindecim toftis, quatuor horreis, quindecim gardinis, duobus pomarijs, ducentis ac̃ terre, octoginta ac̃ prati, centum ac̃ pasture, sex ac̃ bosci trescentis ac̃ more, & communia pasture pro omnibus auerijs cum ptiñ in G. in com̃ Ebor̃ leuat̃, error interuenit manifestus, ad graue dampnum ipsius G. sicut ex querela sua accepimus: Nos errorem, si quis fuerit, modo debito corrigi, & eid' G. plenam & celerẽ Iustic' fieri volentes in hac parte, vobis mandamus quod recordum & processum finis præd', cum omnibus ea tangeñ, que in custodia vestra existunt vt dicit̃, nobis sub sigillo vestro distincte & apte mittatis, & hoc breue, Ita quod ea habeamus in octabis S. Hill', vbicunque tunc fuerim⁹ in Angl', vt inspectis recordo & processu finis p̃d', vlterius inde pro errore illo corrigendo fieri faciamus, qd' de iure & secund' legem & cõsuetud' regni nostri Angl' fuerit faciend' &c.

A writ of Error vnto the Custos breuium of the Court of Common plees.

Regina &c. dilecto sibi Tho. Spencer armig', custodi breuium suorũ de banco salutem. Quia in recordo & processu, ac etiam in leuatione cuiusdã finis in cur̃ nr̃a de Banco apud Westm̃ in oct̃ sancti Mich. vltim̃ p̃terito, coram Ed. Anderson Milite & socijs suis Iustic' nr̃is de banco p̃dict̃ per breue nostrum de conuentione inter &c. de &c. Vobis mandamus quod transcriptum pedis finis præd', cum omnibus ill' tangeñ, que in custod' vr̃a existunt vt dicitur, nobis sub sigillo vestro &c. vt Inspect̃ transcript̃ pedis finis præd' vlterius inde &c.

A writ of Error vnto the Chirographer of fines.

Regina &c. dilecto sibi: Th: Crompton Armig' Chirographario suo de Banco salutem, quia in recordo & processu, ac etiam in leuacione cuiusdam finis in curia nostra de banco apud Westm̃ in octabis S. Mich. vltimo preteritis, coram Ed. Anderson Milite, & socijs suis Iustic' nr̃is de banco p̃d', per breue nostrum de conuenc' int̃ &c. de &c. vobis mandamus, quod trãscr̃ recordi & processus finis p̃d', cum omnibus ill' tangeñ, que in custodia vr̃a existunt vt dicitur, nobis sub sigillo vr̃o distinct' & aperte mittatis & hoc breue &c. vt inspect' transcript̃ recordi & processus finis præd' vlterius inde &c.

B And note that a writ of Error, is not maintenable by an Infant, to reuerse

uerſe a fine for his Infancy, but during his Infancy, 50. E. 3. 4. 17. E. 3. 52. 78. 27. Lib. aſſ. 53.

For what Errors, fines and proclamations be not reuerſable.

No fines, or proclamations vpon fines, or cõmon recoueries, ſhalbe reuerſable by writ of Error, for falſe or incongruous latin, razure, interlining, miſentring of any warrant of atturney, or of any proclamation, miſretorning or not returning of the ſherife, or other want of forme in words & not of matter of ſubſtance, 23. Eliz. ca. 3. C

Of Error in the proclamation of a fine.

If Error be in the procalmations of a fine, they ſhall be reuerſed by plea without writ of error, but that fine neuertheles remaineth of good force ſtil, for they are ſeueral matters of record, yet if error be in the fine, the proclamations are void, becauſe the fine is the firſt record whereupon the proclamations depend, & ſublato ſubiecto tollitur eius accidens, Plow. 266. a. Dyer fol. 216. p. 54. 4. Eliz. D

Of a Cerciorari.

Sect' 193. IF a man haue recouered, and before he haue execution, the Recordes therof be remoued into the receit or Treaſory, the plaintife may haue a Cerciorari out of the Chancery to the Chamberlaine & Treaſorer, to remoue the tenour of the Record and proceſſe thence into the Chaunceric, And when it is there, it may be ſent thence by Mittimus into the Court whence it came, as the Kings bench, if it came thence: or into the common place, if it came thence, and there may execution be ſued, 37. H. 6. 16. A

A Certiorari with a Mittimus, to remoue a fine, bearing date before the fine come into the Chancerie, is good enough, 1. R. 3. 4. B

In a writ of Error to reuerſe a fine, the Record it ſelfe ſhall not be remoued, but the tranſcript thereof, becauſe a record, which commeth into the K. bench, ſhal not be remaunded: And if the iudgement be affirmed, there is no Chirographer to ingroſſe the fine, 40. aſſ. 19. 29. aſſ. 43. C

Yet 5. Marie, it is holden that in a writ of Error vpon a fine, the record it ſelfe ſhalbe certified, ſo that no mo proclamatiõs ſhalbe made thereupon, for if it be reuerſed, that endeth all: And if the fine be affirmed, the record ſhalbe ſent into the common place by Mittimus, to be proclaimed and ingroſſed: For if the tranſcript only ſhould be remoued, they might neuertheleſſe proceede in the common place, Br. Tit Recorde 79. Ideo quere. D

A Certiorari of the tranſcript of the foote of a fine.

Rex, Theſaurario & Camerarijs, ſalutem: Quia quibuſdam certis de cauſis certiorari volumus, vel volentes certis de cauſis cerciorari, vel, quibuſdam certis de cauſis certiorari, ſuper tenore pedis cuiuſdam finis E

leuati

leuati in curia noſtra, coram Iuſticiarijs noſtris dudum vel vltimo itinerantibus apud N. in coñ tali per breue noſtrum, vel in curia dñi Ed. nuper Regis Anglie aui noſtri, vel patris noſtri, anno regni ſui decimo &c. coram I. & ſocijs ſuis tunc Iuſtic' eiuſdem aui noſtri, vel, patris noſtri de banco, per breue ſuum, inter A. petentem, & B. tenentem, de vno meſſuagio cum pertiñ in N. vobis mandamus quod, ſcrutatis pedibus finium de eodem itinere tempore prædicto leuatorum, vel finium coram ꝑfatis Iuſticiarijs anno prædicto leuatorum, qui ſunt in Theſaurario noſtr̃ ſub cuſtodia veſtra vt dicunt, tranſcriptum pedis finis prædicti nobis in Cancellariam noſtram ſub ſigillo ſcaccarij noſtri diſtincte & aperte ſine dilatione mittatis, & hoc breue. Teſte &c.

F Rex dilecto clerico ſuo W. ſalutem, volentes certis &c. ſuper tenore note cuiuſdam finis leuati &c. anno &c. inter A. petentem, & C. tenentẽ &c. vobis mandamus quod, ſcrutatis notis finiũ penes vobis reſidentiũ, tranſcripẽ note præd' nobis in Cancellar̃ nr̃am ſub ſigillo veſtro diſtincte & aperte ſine dilatione, mittatis, & hoc breue, T. &c. Aliter de tenore non finis.

G Finis leuar̃ in curia nr̃a annñ regni noſtri decimo, corã W. & ſocijs ſuis tunc Iuſtic' noſtris be banco per breue nr̃um inter &c. Aliter coram Iuſtic' nunc de banco.

A Mittimus of the Tranſcript of a fine out of the Chauncery into the Common place.

A DÓmin⁹ Rex, mand' Iuſtic' hic breue ſuum clauñ, in hec verba, Heñ &c. Iuſtic' ſuis de banco, ſalutem, tranſcripẽ pedis cuiuſd' finis leuar̃ in cur̃ dñi E. nuper Reg. fil' Regis H. nuper Regis Angl' progenitoris noſtri, corã R. H. & ſocijs ſuis tunc Iuſtic' ipſius progenitoris noſtri de banco apud W. per breue ſuum inter G. P. & I. vxor̃ eius quer̃, et S. P deforc', de manerio de C. cum pertiñ, nobis in Cancell' nr̃a de mandato nr̃o miſſum, vobis mittimus preſentibus intercluſ. mandantes, quod inſpecẽ præd' vlterius ad proſecutionem I. L. & M. vxor̃ eius vnius, & T. V. & T. vxor̃ eius alterius, necnon H. B. tertij conſang' & hered' præd' G. & I. de corpor̃ ſuis procreat̃, fieri facias quod de iure & ſecundum legem & conſuetudinem regni nr̃i Angliæ fuerit faciend'. Teſte meipſo apud W. octauo die I. anno regni noſtri decimo ſeptimo: Tranſcripẽ pedis finis, vnde in breui prædicẽ fit mentio, ſequitur in hec verba: Hec eſt finalis concordia facta in cur̃ domini Regis apud W. in Oct' ſancti M. anno &c. coram R. H. W. B. P. M. W. H. L. T. & H. S. Iuſticiarijs, & alijs domini Regis fidelibus tunc ibidem preſentibus, inter G. P. & I. vxor̃ eius quer̃, per W. F. poſitũ loco eorum ad lucrand' vel perdend', & S. P. deforc' de manerio de C. cum pertinentijs, vnde placitum conuentionis ſummonit̃ fuit inter eos in eadem curia, ſcilicet quod præd̃ G. recogñ præd̃ maner̃ cum pertineñ eſſe ius ipſius S. vt illud quod idem S. habet de dono prædict' G. & pro hac recogñ, fine & concordia, idem S. con- Sect. 194. Atturney in fine.

concessit præd' G.& I.præd' manerium cum pertinentijs & illud eis reddidit in eadem curia, habend' & tenend' eisd' G.& I.& hered', quos idē G.de corope ipsius I.procreauerit, de præd' S. & hered' suis imperpetuum, reddend' inde per annum vnam rosam ad festum Nat. Scī Io. Bapt̄ pro omni seruitio considerac' & exactione ad præd' S.& hered' suos pertineñ: Et faciend' inde capital' dominis feodi illius, pro præd' S.& hered' suis omnia alia seruitia, que ad illud manerium pertinent: Et si contingat qnod præd' G. obierit sine hered' de corpore ipsius I. procreat̄, tunc post decessum ipsorum G.& I. manēr præd' cum pertineñ integre remanebit W. fratri eiusdem G.& hered' de corpore suo procreat̄, tenend' de p̄dict̄ S. et hered' suis per prædict' seruitia, sicut præd' est, imperpetuum: Et si contingat, quod præd' W. obierit sine herede de corpore suo procreato, tunc post decessum ipsius W. prædict' manerium cum pertineñ integre remanebit I. fratri eiusdē W.& heredi de corpore suo procreat̄, tenend' de prædict' S.& hered' suis per prædict' seruitia, sicut præd' est, imperpetuum: Et si contingat, qvod præd̄ I. obierit sine herede de corpore suo procreato, tunc post decessum ipsius I. præd' manēr cum pertineñ integre remanebit E. fratri eiusdem I.& her̄ de corpore suo procreat̄, tenend' de præd' S. & heredibus suis per prædict' seruitia, sicut p̄d' est imperpetuum: Et si contingat quod præd' E. obiret sine herede de corpore suo procreato tunc post decessum ipsius E. præd̄ manerium cū pertiñ integre reuertatur ad præd' S.& hered' suos, quiet̄ de alijs hered' ipsorum G. I. W. I.& E. tenend de capitalibus dñis feodi illius per seruitia, que ad illud manerium pertinent imperpetuum.

Render in taile

Forreine seruice.

Rem in taile.

Reuerter.

A Mittimus.

Sect' 195. REx, Iusticiarijs de banco, salutem. Mittimus vobis sub pede sigilli nostri &c. *vel sic*: Transcriptum pedis, *vel sic*: Tenorem pedis cuiusdam finis leuati in curia dñi Edw. nuper Reg. Angl' aui nostri, ann̄ regni sui decimo, coram W.& socijs suis tunc Iusticiarijs ipsius aui nostri de banco apud W. per breue nr̄m, inter I. querentē, & W. deforciantem de tanto &c. quod vel quem coram nobis in Cancellaria nostr̄ venire fecimus, vobis mittimus sub pedi sigilli nostri, vt in loquela, que est coram vobis per breue nostrum, inter I. filium I. petentē, & E. tenentem, de eod' mess. &c. securius procedere valeatis &c. T. &c. A

A Mittimus for the foote of a Fine.

Rex Balliuis suis S. salutem. Quia in leuatione diuersorum finium coram I.S.& W.W. nuper balliuis ville S. inter W.R.& M. vxor̄ eius quer̄, & W.T. Capellanum deforc', de oct̄ messuagijs &c.& decē solidat̄ redd̄ cum pertinentijs in S. Anno &c. iuxta libertates burgensibus villæ prædict̄ per chartas progenitorum nostrorum quondam regum Ang. concess. leuat̄, error interuenit manifestus, sicut per inspectionem tenorum B

rum finium predict', necnon recordi & processus leuationis eorundem, quæ coram nobis postea ad sectam W.M. et H.W. de S. consanguineorum et hæred' prædict' M. venire fecimus, nobis constat: Et nos in curia nra coram nobis, ob errores in leuatione finium prædict, ac in recordo & processu eorundem comptos, considerauimus qd' pedes finium p̄dict' a filacijs finium p̄dict' extrahantur & cancellentur: Et ideo vobis mandamus, qd' pedes finium pred', qui in custodia vestra existunt, mittatis coram nobis tali die vbicunq; &c. cancelland', iuxta consid' nostram supradictam. Et habeatis ibi hoc breue. T. &c.

Error by the heire vpon a fine.

Whether any but he, which reuerseth a fine, may reape benefit thereby.

A IF the estate, contained in a fine, be once within fiue yeares after p̄clamations lawfully defeated, That partie hath thereby lost his whole estate both against him which did reuerse the same, and all others which had right or title paramount, and made no claime within the fiue yeares: Albeit he which brought his action haue not iudgement & execution within 7. yeares after the p̄clamations, Plo. fol. 358. b. Sect. 196.

B In like maner if there be tenant for life, the remainder for life, the remainder in fee, & the first tenãt for life alien, & the alienee leue a fine with p̄clamations, & the second tenant for life enter or claime (as he may) he defeateth the fine against himselfe, and him in the remainder also, Plowd. fol. 359. a. 7. Eliz.

Warrantia chartæ.

A A Writ of Warrantia charte, lieth where a man by deed of graunt, feoffement, releas, or confirmation, or fine, or by exchange, bindeth himselfe and his heires to warrant the lande to an other, who beyng tenant of the land is impleaded for the land, or rent out of the same, in an Assise, or writ of Entre in nature of an Assise, or in a Scire facias vpõ a fine, or in any other action reall, wherein the tenant may not vouch, he may sue a Warrantia chartæ, against him, & his heirs which made warrantie. And for a tenant by homage auncestrel, or any particuler tenant vpon reseruation of rent, or for egalty of seruices vpon partition, Fitz. Nat. f. 134. d. f. g. h. Fitz. Nat. 135. c. 31. E. 3. 8. E. 4. 11. Sect. 197.

B Rex &c. quod iuste &c. warrantizet D. vnum messuagium cum p̄tinentijs in R. qd' tenet, & de eo tenere clamat, & vnde chartam suam habet vt dicit. Et si &c. *vel sic.* Manerium de N. cum pertinentijs, & aduocationem eiusdem villæ, quæ tenet &c. *vsque ibi*, vnde chartã suam habet, vel chartam R. patris, vel matris, vel alterius antecessoris prædicti H. cuius hæres ipse est, vt dicit. Et nisi &c. *vel*

Briefe de Warrantia chartæ.

C De eo quod idem A. warrantizet præfato D. maneria de N. & K. & hundreda de F. et G. cum pertinentijs, & aduocationem Ecclesiæ de N. & ideo vobis mandamus &c.

But if a man infeoffe an other with warrantie by deede, and the feoffee infeoffe an other, and take eſtate from him in fee, the firſt warrantie is determined, becauſe he is now in of a new eſtate, Fitz. nat. fol. 135. a. D

So if A. diſſeiſe B. and infeoffe C. with warrantie, who infeoffeth D. with warrantie, vpon whom an eſtranger entreth, in whoſe poſſeſſion B. the diſſeiſor releaſeth his right, now all former warranties are extinct: And albeit D. is impleaded, yet ſhall he not haue Warrantia chartæ, becauſe he is in of an other eſtate by wrong, Fitz. nat. 135. g. 21. H. 6. 41. 22. H. 6. 22. E

Releas per Iointenants.

If there be three Iointenãts, and thone releaſe to the reſt, they may veraigne the former warrantie by voucher, or Warrantia chartæ, for they be in a third part by the releaſe, 40. E. 3. 41. F

Villenage.

Warrantia chartæ lyeth againſt a villein, 48. E. 3. 17. G

The writ of Warr' chartæ muſt be ſued hãging the principal plea, & before iudgement: as of Aſsiſe, or Entre in nature of aſsiſe, 48. E. 3. 22. Regiſtr' orig' f. 158. a. for then if the warrenter do die, yet the writ ſhal not abate, but his heire ſhalbe reſummoned to anſwere vpon the ſame, yet may a Warr' chartæ be ſued before he be impleaded, quia timet implacitari, & the pl' ſhal recouer in valne p loco & tempore, of ſuch lands as the defendãt had at the purchaſing of the writ. Fitz. na. f. 134. k. 12. H. 4. 12. 21. H. 6. 41. 22. H. 6. 22. 24. E. 3. 35. But he muſt not haue executiõ, but if afterwards he be put out by iudgemẽt, he ſhal haue his warranty vpõ his firſt recouery. 21. H. 6. 41. 21. H. 6. 22. 12. H. 4. 12. H I

Nontenure.

In Warr' chartæ, it is a good plea for the defendãt, that hanging the plea, the demandant in the principall plee, hath entred vpon the plaintife being then tenant of the land, or that the plaintife in this actiõ had nothing in the land the day of the firſt writ purchaſed, nor at any time after. 21. H. 6. 49. 3. E. 3. 45. E. 3. 5. I

Countie.

Warr' chartæ may be brought in any countie, if the deed beare not date in a place certen. 31. E. 3. K

Tenant in comen.

Tenants in commen may ioyne in Warr' Chartæ. 28. E. 3. 90. L

Count per Baron & femme ſur fine oue garr'.

I. H. fil' & hær' Iſabel', quæ fuit vxor R. ſum fuit ad reſpond' I. T. & I. vxori eius, de placito quod warr' eis vnum meſuag' cum pertinentijs in S. quod de eo tenet, & de eo tenere clam, & vnde cartam Iſabel' magiſtris prædict' I. H. cuius heres ipſe eſt habet &c. Et vnde &c. dic' quod quidam finis levauit in curia domini reg' nunc in oct' S. Hill', ann &c. coram T. B. & ſocijs ſuis tunc Iuſtic' ipſius domini regis de banco, int ipſos I. T. & I. quer & R. de B. & præd' Iſabel' adtunc vxor eius, deforc', de meſ. pręd' cũ pertin inter alias tras & tenem̃ta, per nomen &c. cũ pertin in S. in com̃ pd', per quẽ finẽ, pręd' R. & I. conceſſerunt pro ſe & hæred' ipſius I. qd' quatuor acr' terr' cum pertinenț de pd' tenemẽt, M

Inter alia per nomen.

Finis de reuerſion. O

quas

quas G.et M,vxor eius tenuerunt ad t̃minum vitę ipſius M.de hæreditat̃ p̃d' Iſab,in S præd',die,qua hæc concordia facta fuit,et quæ poſt deceſſum ipſius M,ad p̃d' R,et I.et her' ipſius Iſab,reuerti debuerunt,poſt deceſſum ipſius M. integre remanerẽt præd' I,et I.et hæred' ſuis pręd', tenend' ſimul cum præd' tenement̃ quæ eis per finem illum remanſerunt; de præd' R.& Iſab.& hæred' ipſius I. præd' ſeruic' ſicut præd' eſt, imperpetuum: Et ijdem R. & Iſ. ſimiliter conceſſerunt pro ſe & hæredibus ipſius I. qd' ipſi warr' prędict' I. et I. et hæred' ſuis predict', præd' tenement̃ cum pertinent̃ ſicut prædict̃ eſt contra omnes homines imperpetuum. Et ſi contingeret quod ijdem I.& I. obirent ſine hęred' de corporibus ſuis exeuntibus, tunc poſt deceſſum ipſorũ I. & I. præd' tenement̃ cum pertinent̃,ſicut prædict' eſt, integre reuerterentur ad prędict' R.& I. et hered' ipſius I. quieta de alijs hæredibus predict' I.et I. tenendum de capitalibus dominis feodi illius,per ſeruicia quæ ad pred' tenement̃ pertinent imperpetuũ,& præd' R.et I.poſtea obierunt,p qd' ad ipſos I. T. & I. pertinuit habend' de præfat̃ I.H. vt fil' et hered' ipſius I.warr' ſuam pred̃,Ac quidam I,R.arrain̄ quandá aſsiſam noue diſſeiſin' coram T.W.et I.Iuſtic' domini reg' nunc ad aſsiſas in com̃ præd' capiend' aſsign',verſus ipſos I.T.et I.de præd' tenementis, & ijdem I.T. & I.ſæpius requiſierunt ipſum I. H, vt fil' & hered' ipſius Iſab. ad warr̃ eiſdem I.T.et I.præd' tenement̃,et idem I.H.tenement̃ illa ſic warr̃ cõtradixit & adhuc contradicit, vnde dic' qd' deteriorat̃ ſunt, & damnum habent ad valenc' 100.li. Et inde produc' ſect' &c.

N I.T.ſum̃ fuit ad reſpõdend' H.W.de placito,quod ei vnum meſ.&c. cum pertinent̃ in B.quæ de eo tenet, & de eo tenere clamat, & vnde carr̃ ſuam habet,& vnde &c.dic',quod cum pręd' I.ſeiſit̃ fuiſſet de tenement̃ p̃d' cum pertiñ in dñico ſuo vt de feodo, & ſic inde ſeiſit̃,per quãdam carr̃ ſuam,quam idẽ H.hic in curia ꝓfert,cuius dat̃ eſt apud B. tali die,anno &c.dediſſet,conceſſiſſet,et confirmaſſet eidem H.tenementa præd' cum ꝑtineñ,inter alia terr̃ &c.per nomẽ, vt in carta &c. habend' eid' H. hæred' et aſſignat̃ ſuis imperpetuum,& obligaſſet ſe & hered' ſuos,ad warr̃ eid' H.hered' & aſſignat̃ ſuis,tenta præd' cũ pertiñ contra oẽs hoĩes imperpetuũ: Ac idem H. virtute doni illius,de tenẽtis p̃d' ſeiſitus fuiſſet in dominico ſuo vt de feodo, quidamq; T. arraiñ verſ. ipſum H.quandã aſſiſam noue diſſeiſine de præd' meſſ. & terr̃ cum ꝑtiñ corã I.M.&I.&c.Iuſtic' dñi regis ad aſſiſas in com̃ præd' capiend' aſſignẽ, per quod idem H.pendente aſsiſa ill' ſepius requiſiuit præfat̃ I.qd' ipſe præd' meſſ.&c.cum pertinentijs eidem H. warr̃, & idem I.meſſuag' ill' &c.eidem H. huc vſq; warr̃ contradixit & adhuc contradicit, vnde dic' &c.& inde produc' ſectam &c.

Count ſur fait oue garr̃.

Inter alia per nomen.

O Et prædict' I.T.in propria perſona ſua veñ, & defend' vim & iniuriã quando &c.& dicit quod ipſe non poteſt dedicere,quin carta præd' ſit

Confeſſion.

factum ipſius I. nec quin ipſe dederit p cartam illam ꝑfat̃ H. tenta prędc̃ cum pertinentijs, nec quin ipſe teneat̃ tenta illa eidem H. warrantizare in forma qua idem H. ſuperius verſus eum narrant, Ideo conſ. eſt quod prædc̃ I. warrantizet ꝓfat̃ H. meſſuag' prædc̃ et terr̃ cum pertinen̄, pro loco et tempore &c. Ideo idem I. in mia &c.

Iudgement,

F.W. generoſus ſum̄ fuit ad reſpond' I.B. generoſo, et E.B. fil' ſuo, de placito qd' warrāt̄izet eis ſex meſſuag', tria gardina, &c. tria pomaria cum ptin̄ in ciuitate B. quæ tenēt et de eo tenere clam̄, & vnde cartam ſuam habēt &c. Et vnde ijdem I. & E. ꝑ H.C. attornat̃ ſuū dic', qd' cum ꝑd' F. nup̄ ſeiſitus fuiſſet de ten̄t ꝑd' cum ptin̄ in dnio ſuo vt de feod', Et ſic inde ſeiſitus exiſtens, quidam finis leuauit in cur̄ dn̄æ regnæ nunc hic ſcilicet apud Weſtm̄ in Octab. ſancti M. anno regni dictæ dominæ Reginæ nunc tertio, coram I.D. H.B. A.B. et R.W. Iuſtic', Et poſtea a die Paſche in xv. dies anno regni eiusd' Reg. quarto ibidem conceſſ. et recordat̃ coram eiſdem Iuſtic' et alijs dicte dominæ Reg. fidelibus tunc ibi preſentibus, inter prædc̃ I. & E. quer̄, et prædc̃ F. deforc', de ten̄t prædc̃ cum pertinen̄t, vnde placitum conuentionis fuit inter eos in eadem curia, ſcilicet qd' prædc̃ F. recogn̄ ten̄ prędc̃ cum ptinen̄t eſſe ius ipſius E. vt ill', quæ ijdem E. et I. adtunc habuer̄ de dono prædc̃ F. & ill' remiſ. & quiet̄ clam̄ de ſe & heredibus ſuis, prædc̃ I. et E. & heredibus ipſius E. imperpetuum: Et prætereā idem F. conceſſit pro ſe et heredibus ſuis, qd' ipſe warrant̄ ꝑd' I. & E. et hered' ipſius E. prędc̃ tenementa cum ptinen̄t contra oēs homines imperpetuū: Qui quidem finis in forma prædc̃ leuat̃, habit̄ et leuat̃ fuit ad opus et vſum eorundem I. et E. et hæred' eiuſdem E. imperpetuum, Cuius prætextu, ijdem I. & E. fuerunt ſeiſit̄ de eiſdem tenemen̄t cum pertinen̄t, viz. idem E. in dominico ſuo vt de feodo, ac prædict' I. in dominico ſuo vt de libero tenemento: Et ſic inde ſeiſit̄ exiſten̄, quidam H.O. coram maiore et vic' ville prędict', die lunæ, videlicet, 28. die Auguſti, anno regni dictæ dominæ Reginæ nunc octauo, apud Guihaldam ciuitatis prædc̃ arrain̄ quandam aſſiſam friſce forcie ſecund' conſuetudinem ciuitatis illius, in natura aſſiſe noue diſſeiſine ad communem legem, verſus eoſdem I.B. et E. de tenemen̄t ꝑd' cum pertinen̄, per quod iidem I. et E. pendeñ aſſiſa illa, ſep̄ius requiſiuerunt ꝑd' F. qđ ipſe ten̄t prædc̃ cum ptinen̄t eiſd' I.B. et E. & hered' eiuſdem E. imperpetuum warrantizet. Et idem F. tenementa illa cum ptinen̄t eiſdem I. & E. huc vſq; in forma prædicta warrantizare contradixit & adhuc contradicit, vnde dic' quod deteriorat̃ ſunt, & dāmnum habent ad valenc' ducentarum librarum, & inde produc' ſectam &c.

Et prædict' F. in propria perſona ſua ven̄, & defend' vim et iniuriam quand' &c. & dic', quod ipſe non poteſt dedicere actionem prædict' I. & E. prædc̃, nec quin finis prædc̃ in forma prædc̃ leuat̃ fuit, nec quin ipſe ꝑ finē illum teneatur ad warrantizand' ten̄t prædc̃ cum ptin̄, ꝑfat̃ I. &

E. &

E.& hæred' ipſius E. imperpetuum, in forma qua ijdem I.& E. ſuperius verſus eum narrauer: Ideo conſider eſt qd' præd' F. warrantizet præfat I.& E.hæred' ipſius E. imperpetuum, tenẽt præd' cum pertin̄ proloco & tempore &c. Et nihil de mĩa pred' F. quia ven̄ primo die per ſum̄ &c. M.8.et 9.Eliz.Regine Rot.1822.

R W.C.armig' ſum̄ fuit ad reſpond' E.B.gener,de placito, quod warrantizet ei quinquaginta & quatuor acr̄ terr̄,quadraginț acr̄ paſturæ,et ſex acr' boſci cum ptinentijs in E. quas tenet & de eo tenere clamat,& vnde cartam ſuã habet &c. Et vnde idem F. in propria perſona ſua dic', qd' cum ipſe ſeiſitus fuiſſet de p̄dictis tenẽtis cum ptineñ in dñico ſuo vt de feodo,(et ſic inde ſeiſitus exiſtens) p̄f. W. per nomen W.C. de I.in com̄ N.alias dict' W.C.de W.in com̄ Suff. armig' x.die I.anno Regni Dñæ Reginæ nunc 13.per quoddã ſcriptum ſuum, qd' idem E. ſigillo præd' W.ſignat̃,hic in curia ,pfert, cuius datum eſt eiſdem die et anno, recitand' p idem ſcript̃ qd' cum idem W.C.p nomen W.C.de I.in comitatu N. alias dict' W.C. de W.in com̄ S.armig', ſimul cum fratre ſuo C.C.de Lincolnes Inne in com̄ Middl' gen̄, p quandam Indenț inter præfat̃ W.& C.ex vna parte,et E.B.de Lincolnes Inne præd' generoſ. ex altera parte confect' geren̄ dat̃ x. die F. anno Regni Eliz. Dei gratia Angl' Fr.& Hyber̄ Reg.fidei defenſoris &c. decimo, barganizauerit et vendiderit præfat̃ E. totum ſtatum et intereſſe ſua, de et in illis parcellis terre continenț p eſtimation̄ ſeptem acr̄ ſiue plus ſiue minus inde habeatur: iacen̄ et exiſten̄ in parochia de E.in com̄ K. modo vel nuper in tenura vel occupatione cuiuſdam W.S.vel aſſign̄ ſuorum,quorum quidem parcell' vna parcell' vocat̃ litle S. alias dict' Q. et continen̄ p eſtimationem ſex acr̄, ſiue plus ſiue minus inde habeat̃, habend' et tenend' omnia præd' terras et omnia alia præmiſſa,cum omnibus et ſingulis ſuis pertinen̄, præfat̃ E.B. hæred' et aſſign̄ ſuis ad ſolum et proprium opus et vſum ipſius E.B.hæred, et aſſign̄ ſuor̄ imp̄petuum, prout per præd' Indent̃ plenius apparet, cumq; etiã idem W. poſtea per nomen W.C. de I.in com̄ N.armig' alias dict' W.C. de W. in com̄ S. arm̄,ſimul cum prædict' fratre ſuo C.C. de Lincolnes Inne in comitatu M.gen̄, p quãdam Indenturam inter præfat̃ W. et C. ex vna parte, & præfat̃ E. B. de Lincolnes Inne in com̄ M. generoſ. ex altera parte,cõfect',geren̄ Dat̃ 29.die Octob.ann̄ regni Eliz.dei gratia Angl',Franc' & Hiberniæ Reginæ fidei defenſoris &c. decimo, etiam barganizauerit, et vendiderit prefat̃ E.omnia terras boſcos,et terras boſcales ac cetera hæreditamẽta ſubſcript̃,per quodcunq; nomen ſeu quecunq; nomina vocat̃,reputat̃, ſeu cognit̃, videlicet, omnia illa terr̄ vocat̃ S. alias dict' Q. alias dict' great D. & the hyome, alias dict' S. and the hyome, ac omnia alia terras et hæreditamenta quęcunq;,cõtinen̄ p eſtimation̄ quindecẽ acr̄, ſiue plus ſiue minus inde hẽat̃,p quodcunq; nomen ſeu per quecunq; noĩa

eadem ſunt voc', reputat', ſeu cognit', modo vel nuper in tenura vel occupatione cuiuſdā I.B. ex dimiſſione cuiuſdam I.C. de I. præd' armiger adtunc nuper defunct', quæ quidem parcell' iacent & exiſtunt in E. in comitatu K. ac oēs illas terr' modo vel nuper in tenura vel occupatione cuiuſdam P.W. de L. in præd' com K. iacen & exiſten in E. præd', ratione cuiuſdam dimiſsionis eidē P. fact' p̄ præfat' I.C. continen p̄ eſtimationem quinq; acr', ſiue plus ſiue minus inde habeāt, ac etiam omnes illas terr' modo vel nup̄ in tenur' vel occupac' cuiuſd' I. I. ex dimiſsione præf. I. C. eid' I. I. fact', continent̄ per eſtim̄ quadraginta & octo acr' ſiue plus ſiue minus inde habeant, iacen & exiſten in diuerſis ſeperalibus p̄cell' in E. præd' vnde quæd' parcell' ſunt voc' ſeu cognit' p̄ nomen de P. alias dict' B. quædam aliæ parcell' inde ſunt vocat' ſeu cognit' per nomen de R. quædam aliæ parcell' inde ſunt vocat' ſeu cognit' per nomen de S. dane: Ac etiam oīa ill' boſcos & terr' boſcales infraſpec', viz. E.W. continen p̄ eſtim̄ duas acr' ſiue plus ſiue minus inde habeant, le woodland iacen apud Knowel gate in E. præd', continent̄ per eſtim̄ tres rodas ſiue plus ſiue minus inde habeat', S. contin̄ per eſtim̄ tres rodas ſiue plus ſiue minus inde hēat', L. alias dict' K. contin̄ per eſtim̄ vnam acr' & tres rodas, ſiue plus ſiue minus inde habeat', quæ omnia ſunt iacen & exiſten in E. præd' habend' & tenend' omnia præd' terras boſcos & terras boſcales ac omnia alia p̄miſſa cum omnibus & ſingulis ſuis pertin̄ prefat' E. B. her' & aſsign' ſuis, ad ſolum & proprium opus et vſum ipſius E.B. her' & aſsign' ſuorū imperpetuum, Cumq; etiam idem W. ſimul cum præf. C. fratre ſuo poſtea, ſcil. in cur' dict' dominæ Reginæ hic apud Weſtm̄ in oct' ſancti M. anno regni dictæ dn̄æ Reg. vndecimo in partem complementi quarund' conceſſ. & conuenc' in præd' Indentur' ſpecificatar', recogn̄ oīa præd' terras, boſcos, & hæreditament̄ cum ſuis p̄tin̄, per nomen ſiue nomina 54. acr' terr', 40. acr' paſture, & ſex acr' boſci cum pertinent̄ in E. præd', eſſe ius præd' E. B. vt ill' quæ idem E. adtunc habuit de don̄ præd' W. & præfat' C. fratris ſui, & ill' adtunc remiſerit & quiet̄ clamauerit de ſe p̄ſ. W. et her' ſuis, præf. E. & hered' ſuis imperpetuū, & præd' W. per idem ſcript̄ hic in cur' prolat̄ adtunc approbauit ratificauit & confirmauit eidem E. B. adtunc in ſua plena & pacifica poſſeſſion' & ſeiſina præmiſſor' ex'ſten', totam ius, titulum, ſtatum, & intereſſe ſua de, & in p̄miſsis, quam oīa terr' præd', paſtur', boſc' terr' boſcales, & ceter' omnia & ſingula præmiſſa cum omnibus & ſingulis ſuis p̄tinen, p̄f. E her' & aſsign' ſuis, ad ſolum & proprium opus & vſum ipſius E. her' & aſsign' ſuorum imperpetuū, Et inſuper præd' W. C. p̄ſcript̄ illud obligaſſet ſe & her' ſuos, ad warr' eidem E. her' & aſsign' ſuis imperpetuū, omnia p̄d' terr', paſtur', boſcos, & terras boſcales, ac cetera omnia p̄miſſa cum ſuis pertin' contra omnes homines imperpetuum, prout per præd' ſcript̄ hic in cur', plan̄ plenius apparet, Et idem E. dic' qd' præd' ten̄ta in

breui

breui præd' ſpec', ſunt ead' tenemẽta in p̃d' ſcript̃ hic in cur' ꝓlat̃ mencionat̃, et non alia neq; diuerſa, ac quidam H.R. ipſo E. de tenꝰ præd' cum pertin̄ in form̄ p̃d' ſeiſit̃ exiſten', in curia hic proſecutus eſt verſus ipſum E.B. quoddam breue dominæ Reginæ de ingreſſu ſuper diſſeiſinam in le quibus, de tenementis præd' cum pertinent̄, per quod idem E. pendente breui illo ſepius requiſiuit præf. W.C. quod ipſe tenementa cum pertinent̄ eidem E. huc vſque warrantizaret & idem W. præd' ten̄ta cum pertin' eidem E. huc vſq; warrantizar̄ contradixit, & adhuc contradicit, vnde dicit quod deteriorat̃ eſt & damnum habet ad valen-
S tiam treſcentarum librarum & inde producit ſectam, &c.

Et præd' W.C. p̄ T.B. atturnat̃ ſuum ven̄ & defend' vim & iniuriam quando &c. & dicit qd' ipſe non poteſt dedicere actionẽ pręd' E. præd', nec quin præd' ſcript̃ hic in curia prolat̃, ſit factũ ipſius W.C. nec quin ipſe per idem ſcript̃ confirmauerit præf. E. ten̄ta præd' cum pertin', nec quin ipſe præd' W. p̄ ſcriptum illud teneatur ten̄ præd' cum pertin̄ eidem E. warrantizare, in form̄ qua idem E. ſuperius verſus eum narrauit, Ideo conſ. eſt qd' præd' W.C. warrantizet præf. E. præd' ten̄ cum ꝑtin̄ ꝓ loco & tempore &c. Et nihil de Mia ipſius W. quia ven̄ primo die p̄ ſum̄ &c. Hill' 13. Eliz. Ro. fiat ſimilis intratio verſ. C.C. mutat̃ mutandis. F.W. gener̄ ſum̄ fuit ad reſpondend' W.R. de placito quod warr' ei octo meſuag', ſex gardina, tria pomar̄, quatuor acr̄ ter̄, ſex acr' prati, & duas acr̄ paſture cum pertinent̄ in B. & B. quæ tenet & de eo tenere clamat, & vnde cartã ſuam habet &c. Et vnde idem W. per W.C. atturn' ſuum dic' qd' præd' E. nuper fuit ſeiſitus de tenementis præd' cum ꝑtin' in dominico vt de feodo, & ſic inde ſeiſitus exiſtens idem E. 19. die S. anno Regni dñæ Reginæ nunc 25. apud B. præd' per quandam cartam ſuam, quã idem W.R. ſigillo p̃d' F. ſignat̃ hic in cur' ꝓfert, cuius dat̃ eſt eiſdẽ die & anno, dedit & conceſsit ten̄ præd' cum pertinent̄ præf. W. R. habend' ſibi & her̄ ſuis imperpetuum, & vlterius p̃d' F. per cartam præd' tenement̄ p̃d' cum pertinent̄ eidem W. & hered' ſuis cõtra omnes homines warran̄ prout per cartam illam plen' apparet: virtute quarum quidem don' & cõceſsionis idem W. fuit & adhuc eſt ſeiſit̃ de ten' præd' cum pertinent̄ in dominico ſuo vt de feodo. Et ſic inde ſeiſit̃ exiſtent̄, quidam D.D. arrain' verſus ipſum W. quandam aſsiſam noue diſſeiſine de præd' tenement̄ cum ꝑtinent̄ coram I.C. vno baron̄ Scaccar̄ dñæ Reginæ, et F.R. vno ſeruien' ipſius dñæ Reginæ ad legem Iuſtic' eiuſd' dominæ Reginæ ad aſsiſas in com̄ præd' capiend' aſsign' per formam ſtatuti &c. per qd' idem W.R. pendente aſsiſa illa ſepius requiſiuit præf. F. quod ipſe pręd' tenement̄ cum pertinent̄ eidem W. warr', & idem F. ten' illa cum pertinent̄ eidem W. hucuſq; warr' contradixit & adhuc contradicit, vnde dic' quod deteriorat̃ eſt & damnum habet ad valentiam centum librarum & inde produc' ſectam &c.

SYMBOLEOGRAPHY,

Of Recoueries for Assurances &c.

called common, or feigned Recoueries.

Sectio 1. IN euery Recouerie are to be regarded the demandant, the tenant of the land, & the vouchee, as the efficient causes thereof. The land demaunded, as the matter which must as certeinly be set downe in writs of Entre, as in writs of Couenant, whereupon fines are leuied. The end and effect of such recoueries, is to discontinue and distroy estates tailes, remainders, and reuersions, and barre the former owners thereof. A

The Demaundant is he that bringeth the writ of Entre, and may be termed the Recouerer. B

The Tenant is he, against whom the writ is brought, and may be termed the Recoueree. C

The Vouchee is he, whom the tenāt voucheth, or calleth to warranty for the land in demaund. D

And such persons may be demaundants, tenants, and vouchees, in these recoueries, as may be Cognizors and Cognizees, in writs of Couenant, and by such names, Mutatis mutandis. Sauing that if any recouery be had against any tenant in taile, the reuersion or remainder being in the Queene, of the gift of the Queene, or of any of her Maiesties progenitors, kings of England: such recouerie will neither barre the issue in taile of his Entre, nor discontinue his estate, nor pluck such reuersion or remainder out of her Maiestie, 34. H. 8. cap. 20. Quære tamen si tiel recouerie barre lissue in taile, vnring the continuance of the estate taile, Dyer fol. 132. pla. 1. E

Item before such persons, by such meanes, and in such maner may warrants of Attorney bee knowledged and certified, as fines knowledged in the Countrie: sauing that the recognizance of warrants of Attorney may be taken by any Iustice or Seriant, without a writ of Dedimus potestatem. And fines must be paied vpon writs of Entre, as vpon writs of Couenant. And all such writs of Entre must be signed by the Queenes Atturney before they can be sealed. F

In a Recouerie with double voucher, the fine must bt sued first to make him tenant at the time of the writ of Entre brought, for euery writ of Entre must alwaies be brought against him that is tenāt of the freehold of the land demaūded at the time of the writ brought, 18. R. 2. G

and

and Dyer fol. 252. pla. 98. for that, that the estate of the tenant in taile which is voucher, is barred in respect of the assets only which is, or may be recouered in value. Plow. Basset vers Manxel fol. 11. a. and of execution sued by the tenant against him.

H And if the tenant haue but an estate for life, or in dower, or by the curtesie: then to haue a good recouerie thereof, it is meete that such tenant make a conditional Surrender of his estate to him in the reuersion, or remainder, to the end he may be a perfect tenant of the inheritance, and then to bring the writ of Entre against him: And after that the recouery is executed, the particuler tenant for breach of the condition may enter and inioy his terme, notwithstanding such surrender.

See the like Surrender in the Chapter of Surrenders, in the first part of Symboleography.

Of what thinges writs of Entre *may be brought, and by what names.*

A PRæcipe quod reddat lyeth, de vna acra terre, aqua cooperta, vel de acra terre, 12. H. 7. fol. 4. de gurgite, 10. E. 3. & 14. Ed. 3. 842. Fitz. nat. bre. fol. 191. h. Et de passagio vltra aquam, Fitz. nat. br. fo. 191. i. de balliua, 34. Ed. 3. 423. de officio, 27. H. 8. fo. 12. de aduocatiõ ecclesie, aut de quarta pte decimar', 34. Edw. 3. de porcione decimarum, Dyer fol. 84. pla. 83. de quadam parcella terre, Dyer fol. 84. pla. 83. de custod' terre & hæred'; siue custod' terre, Register 161. 22. Edw. 3. fol. 19. Sect' 2.

B Præcipe quod reddat lyeth of all maner of Ecclesiastical or Spirituall profits: vt de Rectoria, Vicaria, porcionibus, pencionbus, decimis, &c. per statut' 32. H. 8. cap. 7. de omnibus, & omnimodis decimis maiorib' mixtis & minutis infra villam siue hamlet' de B. in parochia de A. quoquo modo crescenc', contingen, ac annuatim renouan &c. Thel. lib. 8. cap. 9. S. 2. de quarta parte decimarũ & oblationum ecclesie sanct' P. &c. 16. Ed. 3. de quadam porcione decimarum, or terre, not shewing how much, 1. H. 4. fo. 1. Dyer fol. 84. pla. 83. 84. 85. and 86. In old time de hida terre, per Glanuile, de caruca terre, 4. E. 3. 161. de bouat' terre, 6. Ed. 3. 291. de sex pedibus terre in longitudine, & quatuor pedibus in latitud' 14. Ass. 13.

C A Præcipe quod reddat lieth de tofto & situ molendini 14. Ed. 3. de hundredo de C. & balliuato de B. 34. Ed. 1. 3. E. 3. de pastur' ad sex boues 3. Ed. 3. fol. 23. 4. E. 2. de roda terre 3. E. 5. de aduocatione 34. E. 1. de quadam portione terre 11. H. 4. fol. 40. 5. H. 7. fol. 9. de medietate vnius rodæ tre 41. E. 3. de shopa, Registr' fo. 3. a de 4. acr' alnet' 11. Ass. 13. de turbar', by the name of More 8. Edw. 3. fol. 387. and it lyeth in a Towne

Towne, and not in a Hamlet, 8.E.3.fol.55. 7.E.3.9.

Of what things a writ of Entre *lieth not.*

Sect. 3. PRæcipe quod reddat lieth not, de foſſato, nec de ſtagno, nec de piſ- A
caria 8.E.3.381. nec de aduocatione, decimarum vnius carucat̃ tre, Regiſtr̃ fo. 29. nec de cõmunia paſtuꝝ 27.H.8.f.12. de eſtouerijs 2.E.3. de homagio & fidelitat̃, nec de ſeruitijs faciendis 6.E.2.

A Præcipe quod reddat lieth not de bouat̃ mariſci 13.E.3.fo.3. de ſe- B
lione terre E.1. for the incerteintie, becauſe a Selon which is a lande, ſomtime conteineth an acre, ſometime halfe an acre, ſometime more, and ſometimes leſſe, It lieth not of a garden, cottage, or croft, 14.aſſ. 13.8. H.6.3.22.E.4.13. de virgata terre 41.43.13.E.3. de fodina, de mine-ra, de mercatu, 13.E.3. for they lie not in Demeſne, but in Gaine, nec de ſuperiori camera 3.H.6. fo.1.

A writ of Entre ought not to contein one ſelfe thing twiſe, as a meſ- C
ſuage, & a houſe parcel of the ſame meſſuage, 2.Ed.4.fol.28. 46.E.3.fo. 26. Nor to name a Towne and a Hamlet within the ſame towne, 22.E. 3 fol.14.41.Ed.3.fol.22.

In euery warrant of Atturney it is good to put 2. Atturneis at the D
leaſt for feare of death.

In a countie Palantine, as Lancaſter, Duriſme, Cheſter &c. may bee E
put in a warrant one Atturney, and one of the Juſtices Clarkes.

If the writ of Entre be returnable Craſtino Martini, the writ of Sum- F
mons ad warr̃ thereupon muſt beare Teſte from the returne of Craſtino Martini, and be returnable ir. Returnes after the returne of the writ of Entre inclusiue: that is accompting Craſtino Martini for one of the ir. returnes, and tres Paſchæ, which is the ninth returne after Craſtino Martini for another. And the Teſte of the writ of Seiſin muſt be the day of that ninth returne, and be returnable xv. daies after. Then the writ of Seiſin may be returned, that ſeiſin was deliuered by vertue therof to the demandant, by the ſherife of the Countie where the lands lie vpon any day (not being Sunday) betweene the Teſte and returne of the ſaid writ of Seiſin. Then the writs of Entre, Summons, and Seiſin muſt be retur-ned and filed with the Cuſtos breuium, & the iudgement entred by the preignotary, & the warrants of Atturney by the Clark of the warrants.

If a ſingle recouery and a fine be againſt the tenant, the writ of En- G
tre muſt beare date and Teſte, before the writ of Couenant, and be re-turned before.

If a writ of Couenant be brought againſt the tenant, and a writ of H
Entre againſt the demaundant: then the writ of Couenant muſt beare date, and be returned before the writ of Entre, and this is called a dou-ble voucher.

A Cer-

A Certiorari to the executor of the Iuſtice, before whom the Warrants were acknowledged.

A ELizab. dei gratia Angl', Franc' & Hiberniæ Regina, fidei defenſor &c. dilecto ſibi I.R. arm̃ executori teſtamenti Fr.R. nuper vnius Iuſtic' noſtrorum de banco ſalutem. Volentes certis de cauſis certiorari tã ſuper quodam warrant̃ atturñ per quod H.S. poſuit loco ſuo W.B. & R. C. coniunctim & diuiſim verſus R.P. alias W. & R.H. de placito terre in comitatu E. quam ſuper quodam alio warrant̃ atturñ per quod H.L. & I.L. quos prædictus H.S. voc' ad warrant̃, poſuerunt locis ſuis A. B. & F.R. coniunctim & diuiſim verſus prædict' R. & R.H. de placito terre in dicto comit̃ E. per præfat̃ F.R. nuper capt̃, ac in cuſtod' tua ratione executionis teſtamenti præd' exiſteñ vt dicitur. Tibi precipimus quod warrant̃ præd' Iuſtic' noſtris de banco apud Weſtm̃ ſub ſigillo tuo diſtincte & aperte ſine dilatione mittas & hoc breue, vt ijdem Iuſtic' inſpect' warrant̃ prædict' vlterius in quodam breui nr̃o de ingr̃ pendeñ coram prefat̃ Iuſtic' noſtris apud Weſtmoñ inter præfat̃ R. & R.H. & prædict' H.S. de vno meſſuagio &c. cum pertinentijs in T. & D. in comit̃ prædicto, & proceſſ. inde fieri fac', quod de iure, & ſecundum conſuetudinem regni noſtri Angl' fuerit faciend' T. meipſa apud Weſtm̃ 29. die Nouemb. Anno regni noſtri 34. Sect' 4.

It is returned thus.

B Reſponſ. infranominati I.R. ad hoc breue.
Execuc' iſtius breuis patet in quadam ſchedula huic breui annex'.

C Ebor. ſſ. Præc' H.S. quod iuſte &c. Redd' R.P. alias W. & R.H. vnum meſſuagium &c. cum pertinentijs in T. & D. quod clam̃ &c.

D Ebor. ſſ. H.S. po:lo: ſuo W.B. & R.C. coniunctim & diuiſim verſus R.P. alias W. & R.H. de placito terr̃.

E Ebor. ſſ. H.L. & I.L. quos H.S. voc' ad warrant̃ po:lo:ſuo A.B. & F.R. coniunctim & diuiſim verſus R.P. alias W. & R.H. de placito terre.

F Capt̃ & cognit̃ apud W. in comitat̃ C.xvij. die Feb. anno regni dominæ Eliz. &c. xxxiiij.

I.R.

A Recouerie with ſingle voucher.

A Ebor. ſſ. PRæc' G.C. armigero, quod iuſte &c. redd' R.C. & R.I. vnum meſſuagium & quatuor acr̃ terr̃ cum pertinentijs in T. que clam̃ &c. Et in que &c. Et niſi &c. Sect' 5.

B G.C. po:lo:ſuo N.M. & M.M. attorñ ſuos coniunctim & diuiſim verſus R.C. & R.I.

A Re-

Recoueries.

A Recouerie with double voucher.

Sect' 6. Derby. ff. PRæc' N. L. & M. vxori eius, quod iuſte &c. redd' T. S. & T. C. maneria de N. M. & P. cum pertiñ, ac 30. meſſ. 30. tofta, 5. molendina, 30. gardiñ, 30. pomaria, 1000. acr̃ terre, 1000. acr̃ prati, 50. acr̃ paſture, 40. acr̃ boſci, 1000. acr̃ more, 200. acr̃ iampnorũ & bruere, & 3. libras reddit̃ cum pertinentijs in N. M. P. P. & B. que clam̃ eſſe ius & hereditſuam, & in que idem N. & M. non habent ingreſſ. niſi poſt diſſeiſinam quam H. H. iniuſte & ſine iudicio fecit præfatis T. & T. infra 30. Annos iam vltimo elapſos &c. vt dic', vnde queſ &c. Et niſi &c. A

Derby. ff. M. L. & M. vxor eius po: lo: ſuo, T. B. & W. B. attorñ ſuos coniunctim & diuiſim verſus T. S. & T. C. de placit̃ terr ad lucrand' vel perdendum. B

Derby. ff. W. B. & T. F. quos N. L. & M. vxor eius vocant ad warrant̃, po: lo: ſuo, P. P. & Q. Q. attorñ ſuos coniunctim & diuiſim verſus T. S. & T. C. de placito terre ad lucrandum vel perdendum. C

A Recouerie with treble voucher.

Sect' 7. Eſſex. ff. PRæc' R. B. & C. S. quod iuſte &c. reddant A. T. armiger̃, manerẽ de B. & Q. cum pertinẽtijs, ac xx. meſſuag', duodecim tofta, quatuor columbar̃, mille acr̃ terr̃, centum acr̃ prati, centum acr̃ paſtur̃, CC. acr̃ iampnorũ & bruere, centũ acr̃ more, & triginta ſolid' & vnum obul' reddit̃, ac reddit̃ vnius libre & dimidij piperis, & vnius grañ piperis cum pertiñ in B. & Q. Ac liberam piſcariam in aqua de W. necnon aduocationem eccleſie de B. que clam̃ &c. A

Eſſex. ff. PR. B. & C. S. po: lo: ſuo, W. W. & R. R. attorñ ſuos coniunctim & diuiſim verſus A. T. de placito terre. B

Eſſex. ff. M. M. geñ quem R. B. & C. S. vocant ad warrant̃ po: lo: ſuo, I. I. & L L attorñ ſuos coniunctim & diuiſim verſus A. T. de placito terre. C

Eſſex. ff. G. W. geñ quem M. M. voc' inde ad warrant̃ po: lo: ſuo R. G. & R. S. attorñ ſuos coniunctim & diuiſim verſus A. T. de placito terre. D

A Recouerie of an Aduowſon in the Countie palantine of Cheſter.

Sect' 8. PLacita apud Ceſtr̃ coram R. T. Milit̃ Iuſtic' dñi Regis apud Ceſtr̃ de Seſſione tenẽ ibidem die Lune vltiñ die Septemb. anñ regni Eliz. Dei gratia Angl', Franciæ, & Hibern Reginæ fidei defenſor', & in terre Eccleſiæ Anglicanæ Hibernice ſupremi capitis 35. A

Cheſtr̃. ff. H. S. armiger per T. B. attorñ ſuum, petit verſus H. D. arm̃ aduocationem Eccleſiæ de T. quam ei iniuſte deforc' &c. Et vnde dic' B

quod

quod ipſemet fuit ſeiſitus de aduocac' Eccleſiæ prædict' vt de feodo & iure infra 30. annos iam vltimo elapſos tempore pacis, tempore dñe Reginæ nunc, & ſic inde ſeiſit' eodē tempore ad eandem Eccleſiam preſentauit quendam R. A. Clericum ſuum, qui ad preſentationem ſuam fuit admiſſus, inſtitutus, & inductus in eadem: Capiendo inde explec', vt in groſſis decimis, minutis decim̄, oblationibus, & obuentionibus ad valenc' &c. vt de iure Eccleſie ſue prædicte &c. Et quod tale ſit ius ſuum offert &c.

All the partes of a Recouerie in a writ of Right de Præcipe in Capite *exemplified.*

A ELizab. dei gratia &c. Omnibus ad quos preſentes litere patentes p- Sect' 9.
uenerint ſalutem. Sciatis quod I. Comes S. in curia noſtra coram Iuſticiarijs noſtris apud Weſtm̄ per breue nr̄m de Recto de p̄cipe in capite, petijt verſus T. B. ſenior̄ & I. vxor̄ eius maner̄ de C. cum ptineñ, ac vnum meſſuag', 50. acr̄ terre, 50. acr̄ prati &c. cum pertiñ in C. B. & H. iuxta T. vt ius & hereditatem ſuam: Quod quidem breue vna cū retorn̄ eiuſdem, ac placitum ſup idem breue cum omnibus alijs placitum illud tangentibus ſequitur in hec verba.

B Elizabeth Dei gratia &c. Vicecom̄ Heref. ſalutem. Præcipe T. B. ſenio- Le briefe.
ri, & I. vxori eius, quod iuſte & ſine dilatione reddant I. Comiti Salop̄ manerium de C. cum pertiñ, ac vnum meſſuag' &c. cum pertinentijs in C. B. & H. iuxta T. que clamat eſſe ius & hereditatem ſuam, & tenere de nobis in capite. Et vnde queritur quod præd' T. & I. ei iniuſte deforceant. Et niſi fecerint. Et præd' Comes fecerit te ſecur̄ de clamore ſuo proſequeñ tunc ſum̄n per bonos summon̄ p̄d' T. & I. quod ſint coram Iuſtic' noſtris apud Weſtm̄ a die Paſchæ in quindecim dies, oſtenſ. quare non fecer̄. Et habeas ibi ſumm̄n, & hoc breue. Teſte meipſa apud Weſtm̄ 2. die Aprilis, Anno regni noſtri triceſimo tertio.

Pleg' de proſequend' R. D. & I. R.

C ✻ Reſponſio I. S. Militis Vicec': Summ̄n T. B. & I. vxor eius infraſcript̄ Returne inde.
H. F. & R. L.

D Placit' apud Weſtmon̄ coram I. P. & ſocijs ſuis Iuſtic' dñi Reg. de bāco de termino Paſchæ, anno regni &c. 6. Rotulo CC.

E ✻ Heref. ſſ. Ioh. Comes Salop̄, per I. S. Atturnatum ſuum, petit ver- Le dr.
ſus T. B. ſeñ & I. vxorem eius, manerium de C. cum pertiñ, ac vnum meſſuagium &c. cum pertiñ in C. B. & H. iuxta T. per breue dñæ Regiñ de precipe in capite &c. ✻ Et vnde dicit quod ipſemet fuit ſeiſit' de ma- Le Count.
nerio, meſſuag', terr̄ &c. cum pertineñ, in doñico ſuo vt de feodo & iure tempore pacis tempore dominæ Reginæ nunc, capiendo inde explec', ad valentiam &c. Et quod tale ſit ius ſuum offert &c.

✻ Et prædict' T. & I. per W. B. Atturnatum ſuum, ven̄ & defendunt Le defend.

ius

ius prædict' Comitis et seisinam suam, et maxime de manerio, mesuag' &c. ei warrant' &c. et super hoc præd' Comes petit versus ipsum W. P. manerium, mesuagium, &c. cum pertinentijs in forma præd' &c. Et vnde dic' quod ipsemet fuit seisitus de præd' Manerio, mesuag' &c. cum ptiñ, in dominico suo vt de feodo et iure, tempore pacis, tempore dñæ reginæ nunc, capiend' inde explec' ad valentiam &c. Et quod tale sit ius suum offert &c.

Le dd'.

Le defence.

✲ Et præd' W. P. tenens per warrant' suã defendit ius præd' Comitis et seisinam eius & maxime de manerio, messuag', terr' &c. cum pertinen', et totum &c. Et ponit se inde in magnam Assisam dñæ reginæ, et petit recogn' fieri vtrum ipse maius ius habeat tenend' manerium, messuagiũ, terr', &c. cum pertiñ, vt tenens per warrant' suam, vt ea tenet, an prædict' Comes habend' manerium, messuag', terr', &c. cum pertinentijs, vt ea superius pet' &c. ✲ Et prædict' Comes petit licentiam inde interloquend' &c. Et habuit &c. F

Issue ferra le grannd assis.

Li:lo:

✲ Et postea idem Comes p Atturnatum suum prædict' reuen' hic in Curia, et præd' W. P. licet solemniter exact', non reuen', sed in contempt' cur' defaltam fec'. Ideo consideratũ est quod præd' Comes recuperet seisinam suam versus præd' T. et I. de præd' manet', messuag' &c. cum ptiñ, tenend' eidem Comiti & hered' suis quiete de præd' T. et I. et heredibus suis imperpetuum. G

Default & iudgement.

Et prædicti T. et I. habeant de terr' prædict' W. P. ad valentiam manerij, messuag', terr' &c. prædict' cum pertinentijs. Et prædict' W. P. in misericordia &c. H

Warrant' Attornat' inde sequitur in hæc verba.

Pert. ss. Ioh. Comes Salop', po:lo:suo I. S. versus T. B. seniorem, et I. vxorem eius de placito terre. I

Pert. ss. T. B. senior et I. vxor eius, po:lo:suo W. B. versus Io. Comitem Salop', de placito terre. K

Que oĩa et singula ad requisitionẽ præd' Comitis exemplificari fecimus, et magnum sigillum nr̃um, quo vtimur ad hm̃di exemplificationes, necnon ad quecunque breuia iudicialia extra bancum præd' exeunt' sigilland', p̃sentibus apponi fecimus. Teste I. P. apud Westm̃ xviij. die Maij, anno regni nostri triceſimo sexto. L

Remissio Curiæ in breui de Recto.

Sect' 10. EXcellentissimæ Prinicipi dñæ E. dei gratia &c. T. W. salut' in eo per quẽ reges regnant, et Principes dominant'. Quia A. in curia vestra coram Iustic' vestris de banco per br̃e vestr̃ de recto D. E. de vno mesuag' cum pertiñ in S. quod de me tenetur, licentia mea mediante proponit implacitare, vestre celsitudini regie, tenore p̃sentiũ significo, me cur' meam vobis inde hac vic' remisisse. Saluo mihi alias iure dñij in casu cõ- A

simili cum acciderit. In cuius rei testimoñ has literas meas feci patentes, sigillo meo signat̃. Dat̃ 3. die Maij, Anno regni &c.

The exemplification of a Recouerie inrolled according to the Statute of xxiij. Elizabeth Cap. 3.

A ELizabeth Dei gratia Angl' Franciæ et Hiberniæ regina fidei defen- Sect' 11.
sor &c. Omnibus ad quos presentes litere nostr̃ puenerint salutẽ, Sciatis quod inter irrotulamenta br̃um et aliorum dependeñ pro communibus recuperationibus secund' formam statuti de termino Pasche apud Westmoñ Annñ regni nr̃i 29. Rotul' primo continetur, tic, Essex ss. ✲ Eliz. Dei gratia, Angliæ, Franciæ et Hiberniæ Regina fidei defensor &c. vic' Essex salutem, Præcipe I.W. et I.S. quod iuste et sine dilatione reddant Io.St. et R.P. quatuor mesuagia, quatuor gardina, 200. acras tre, 100. acr̃ prati, 300. acras pasture, 40. acras bosci, et 300. acras iampnor̃ et bruere, cum pertiñ in B.T.T.C.D. et H. que clamant esse ius et hereditẽ suam, Et in que idem I.W. et I.S. non habent ingress' nisi post disseisinã quam H. H. inde iniuste et sine iudicio fecit pref. I.S. et T. infra triginta annos iam vltimo elapsos vt dicunt, Et vnde queruntur quod præd' I.W et I.S. eis deforc'. Et nisi fecerint et præd' I.S. et Th. fec er̃ te secur̃ de clamore suo pros. tunc sumñ per bonos sumñ præd' I.W. et I.S. quod sint coram Iustic' nostris apud Westm̃ a die sanct' Michaelis in quindecim dies, ostensuri quare non fecerint. Et habeas ibi sumñ et hoc breue, T. meipsa apud Weñ 24. die Sept̃ anno regni nostr̃ decimo. ✲ Gibon. ✲ pleg' de pros. Io. Doo, Rich. Roo. ✲ Sumñ Ioh. Den, Rich. Fen ✲ G. T. armig' vic' ss.

The doctor which tooke the attid. for the value.

✲ Elizab. Dei gratia Angl' Franc' et Hyberniæ regina fidei defensor &c. Vic' Essex salut̃, Summ̃ per bonos sumñ E.W. armigerum et vxor̃ eius quod sint coram Iusticiarijs nostris apud Westm̃ a die sancti Hillarij in xv. dies ad warr̃ Ioh. W. et I.S. quatuor mesuag' quatuor gardiñ, 200. acras terre, 100. acr̃ prati, 300. acr̃ pasture, 40. acr̃ bosci, et 300. acr̃ iampnorum et bruere, cum ptiñ in B.T.T.C.D. et H. que Io.St. et Tho. P. in curia nostra coram Iusticiarijs nostr̃ apud Westmoñ clam̃ vt ius suum per breue nostrum de ingress. super disseisinam in le post versus eos. Et vnde ijdem Ioh. W. et I.S. in eadem cur̃ nostr̃ voc' prædict' Edm. & Ioh. sumñ in comit̃ tuo ad warr̃ versus eos. Et habeas ibi sumñ & hoc breue T.I.D. apud Westmoñ xvj. die Octobris, anno regni &c. decimo ✲ Lone. Sumñ Iohannes Den, Rich. Fen, ✲ T.L. arm̃ vic' ss. ✲ Io.St. & Tho. P. po: lo: suo R. E. versus Iohannem W. & I.S. de placito terre ss. Iohannes W. et I. po: lo: suo I.A. versus Io. S. & Tho. P. de placito terre ss. Edm. W. armig' & Ioh. vxor eius quos Iohannes W. et I.S. voc' ad warr̃ po: lo: suo R.C. versus Io.S. & Th.P. de placito terr̃. Que omnia & singula ad requisitionẽ W.W. generos. tenore presentiũ duximus

Pledges. Summoners. The Sherifes name. Summons and warr̃.

The protonotary in whose office it is entred. Summoners. The Sherife. The warrant of Atturney.

duximus exemplificand'. In cuius rei Testiñ sigill' nostr̃ ad bria in banco sigilland' deputat̃ presentibus apponi fecimus T.F.W.P.& F.R. Iustic' de banco prædicto apud Westmoñ xvj. die Iunij anno regni nostri vicesimo nono.

M. The Iudges which examined their inrolment. M. W. P. and R.

Perdon' alien' super terr' per breue de Ingressu recuperat'.

Sect' 12.

REgina, Omnibus ad quos &c. salutem. Cum prædictus & fidelis A
consanguineus nostr̃ T. Dux' Norff. Comes Mareschallus Angliæ, & prenobilis ordinis garterij Miles, ac dilect' & fideles nostri W. C. Miles principalis Secretar̃ nostr̃, R. Catl' miles nup scilicet termino &c. anno regni nostr̃ &c. recuperauerunt versus prædictum & fidelem consiliarium nostrum N. B. Milit̃ dñum custod' magn̄ sigill nostri Angl', ex eius assensu & ad eius requisitionem per br̃e nr̃m de ingressu sup̄ disseisinam in le post, scd̄m cursum formam & vsũ communium recuperation̄ maner̃ de Redgraue &c. in com̃ nostr̃ Suff'. ad diuersos seperales vsus, intention̄, condition̄ & propositi specificat̃, & declarat̃ in quibusdã Indentur̃ factis inter ipsum N. ex vna parte & prædictos ducem W. R. &c. ex altera parte gerent̃ dat̃ secundo die Octobr̃, anno Reg. nostri primo prout per easd' Indentur̃ plenius apparet, cumque etiam ijdem dux W. R. &c. in Maner̃, terr̃, tenement̃, & cetera premissa, cum ptin̄ virtute recuperac' prædict' intrauerunt, licentia nostra Regia inde prius non obtent̃, Et de eisd' premissis fuerunt seisit in dominico suo vt de feodo, ad vsus, intentiones, & proposita in præd' Indentur̃ specificat̃ & declarat̃, Que quidem Maner̃, messuag' terras tenement̃ & cetera premissa de nobis tenentur in capite, vt dicitur. Sciatis quod nos de gratia nostra speciali ac ex certa scientia & mero motu nostris, saluo nobis homag' nostr̃ pdonamus, remittimus & relaxamus pro nobis hered' & successoribus nostr̃, transgress. in ea parte fact' ac omnimod' intraciones, & ingressus in præd' Maner̃ terr̃ tenement̃ & cetera premissa, seu aliquam inde ptem siue parcellam, tam ante presentem diem quoquomodo fact', siue perpetrat, quam imposter̃ racion̄ alicuius vsus in prædict' Indentur̃ specific' seu declar̃ fiend' seu habend', Et vlterius concessimus ac pro nobis hered' & successoribus nostr̃, quant̃ in nobis est, per presentes concedimus prefat̃ duci W. R. &c. quod ipsi maneria messuag', terr̃, & tenemẽt̃ prædicta, ac cetera premissa cum omnibus & singulis suis exit̃, reddit̃, profic', & pertin̄ quibuscunque (except̃ præexcept̃) habeant & teneant sibi ac hered' & assign̄ suis, ad vsus, intentiones, & proposita in Indentur̃ predict' content̃ & specificat̃, de nobis hered' & successoribus nostr̃ per seruitia inde debita et de iure consueta imperpet̃, absque impet̃, molest', vexacione, impedimẽto, seu grauamine, nostri, hered' vel successor̃

nostr̃,

noſtr, aut aliquor' Iuſtic', Eſcactor, vicecomit, balliuorum, aut aliorum officiar, miniſtror', ſeu ſubditor' noſtror', aut hæred' vel ſucceſſor' noſtrorum quorumcunq;. In cuius rei &c.

A And it is to be noted, that of all licences to alien temporall land in Mortmain, the fine to the Queene is 5. yeares value of the ſame.

B Of all licences to alien ſpirituall land, (as appropriations of Churches, or other benefices ſpirituall) the fine to the Queene is 4. yeares value thereof.

C Of all licences of alienation made of lands holden of the Queene in Capite, the fine is the third part of the value, the tenth deducted.

D Of all pardons of alienation by the Kings tenant in Capite, the fine is one yeares value thereof.

E Of all licences of Mariage of the Queenes widow, the fine is the third part of the value of her dower by a yeare.

F Of all pardons of the Queenes Widowes maried without licence the fine is the whole value of her dower by a yeare.

Exemplification of a Recouery with double voucher out of the Prothonotaries office.

A ELizab. Dei gratia Angliæ, Franciæ, & Hybernie Regiñ, fidei defenſor &c. Omnibus ad quos preſentes literæ noſtræ peruenerint ſalutem. Sciatis quod inter placita terræ irrotulat' apud Weſt' coram E. A. Milite & ſocijs ſuis Iuſtic' noſtris de banco, Terminñ S. Hill', anno regni noſtri 36, Rotu' x. continetur ſic. Sect. 13.

B Ebor. ſſ. Fr. W. & R. S. in proprijs perſonis ſuis, pet̃ verſus I. R. duodecim acr' prati cum pertineñ in M. & K vt ius & hæreditatem ſuam, Et in quas idem I. non habet ingreſſum niſi poſt diſſeiſinam, quam H. H. inde iniuſte & ſine iuditio fecit præfat̃ Fr. & R. infra triginta annos &c. ✠ Et prædictus I. per W. W Atturnatum ſuum venit, & alios voc' ad warrant̃ T. R. Armigerum, qui modo per ſumñ ei in comitatu prædict' fact' per T. I. Atturnatum ſuum venit, & gratis prædictas duodecim acras prati cum pertinentijs ei warrant̃ &c. ✠ Et ſuper hoc prædict' Fr. & R. pet̃ verſus ipſum T. teneñ per warrant̃ ſuam prædictas duodecim acr' prati cum pertinenrijs in forma prædicta &c. ✠ Et vnde dic' quod ipſimet fuerunt ſeiſiti de prædictis duodecim acr̃ prati cum pertinentijs in dominico ſuo vt de feodo, & iure, tempore pacis, tempore Dominæ Reginæ nunc, capiendo inde explec' ad valenc' &c. Et in quas &c. Et inde produc' ſectam &c. ✠ Et prędict' T. tenens per warr' ſuam defendit ius ſuum quando &c. ✠ Et vlterius voc' inde ad warr' R. H. qui præſens eſt hic in Curia in propria perſona ſua. Et gratis prædict' duodecim acr' prati cum pertinentijs ei warrant̃ &c. ✠ Et ſuper hoc præd' Fr. & R. S. pet verſus ipſum R. H. teneñ per warr̃ ſuam

Voucher.

Le dd' verſ. le 1. voucher.

Le count.

Vouch. ouſt̃.

Le defence.

Dd' verſ. 2. Vouchee.

ſuam prædictas duodecim acras prati cum pertinentijs in forma prædicta &c. ✠ Et vnde dic' quod ipſimet fuerunt ſeiſiti de prædict' duodecim acr' prati cum pertinentijs in dominico ſuo vt de feodo, & iure, tempore pacis tempore dominæ reginæ nunc, capiendo inde explec' ad valentiam &c. Et in quas &c. Et inde produc' ſectam &c. ✠ Et prædict' R. H. tenens per warrant̃ ſuam defend' ius ſuum quand' &c. ✠ Et dic' quod præd' H. non diſſeiſiuit prefat̃ Fr. & R.S. de præd' duodecim acr̃ prati cum pertinentijs, prout ijdem Fr. & R. per breue & narationem ſuã prædict' ſuperius ſupponunt. Et de hoc ponit ſe ſuper patriam &c. Et prædict' Fr. & R.S. pet̃ licentiam inde interloquendi. Et habent &c.

Le Count.

Le defence.

Nõ diſſeiſiuit.

Et poſtea ijdem Fr. & R. reuen̄ hic in curia iſto eodem termino in proprijs perſonis ſuis. Et prædictus R.H. licet ſolemniter exact' non reuen̄, ſed in contemptum curię receſſit, & defaltam fecit. ✠ Ideo conſideraṫ eſt quod prædict' Fr. & R.S. recuperent ſeiſinam ſuam verſus præfat̃ I. de prædictis duodecim acr' prati cum pertinent̃. ✠ Et quod idem I. habeat de terr' prædict' T. ad valentiam &c. Et quod idem T. vlterius habeat de terr' prædict̃ R. H. ad valentiam &c. ✠ Et idem R. in miſericordia &c. ✠ Et ſuper hoc prædict' Fr. & R.S. petunt breue dominæ Reginæ vicecom̃ comitat̃ prædict̃ dirigend', de habere faciendo eis plenariam ſeiſinam de prædict̃ duodecim acr' prati cum pertinentijs. Et eis conceditur, retornabile hic a die Paſche in quindecim dies &c. Quæ omnia & ſingula ad requiſitionem prædict' Fr. & R.S. tenore præſentium duximus exemplificand'. In cuius rei teſtimonium ſigillum noſtrum ad breuia in banco prædict̃ ſigilland' deputat̃ preſentibus apponi fecimus. Teſte E.A. apud Weſt' duodecimo die Februarij, Anno Regni noſtri 36.

Default. Iudgement.

Recouery in value.

Miſericordia.

When the writ of Seiſin is returned, the returne thereof muſt be entred vpon the ſame Roll, whereon the iudgemẽt was entred, as appeareth in the end of the next ſection.

Another to the like effect.

Sect. 14. Demand vers terr̃.

ELizabeth Dei gratia Angl', Franciæ, & Hyberniæ Reg. fidei defenſor &c. Omnibus ad quos præſentes literæ noſtræ puenerint ſalutẽ. Sciatis quod inter placita terræ irrotulat̃ apud Weſt', coram E.A. Milite & ſocijs ſuis Iuſtic' noſtris de banco, ſcil. Termino Michaelis, Anno Regni noſtri triceſimo quinto, Rotulo 12. continetur ſic. A

Le Count.

Notting. ſ. R.T. & R.B. in proprijs perſonis ſuis petunt verſus P. T. generoſum, & W.H. generoſum, maneria de H. & M. cum pertinen̄, ac viginti meſuagia, decem tofta, vnum molendinum equinum, duo columbar', triginta gardina, quingent̃ acras terræ, ducent̃ acras prati, ſexcent̃ acras paſturæ, treſcent̃ acras boſci, mille acras iampnorũ B

&

& brueræ, quingent̃ acras moræ, & 20. solid' redd' cum pertineñ in H. M. D. &c. vt ius & hæredit̃ suam, Et in quæ ijdem P. & W. non habent ingressum, nisi post dissesinam, quam H. H. inde iniuste & sine iudicio
C fecit prefat̃. R. & R. infra triginta annos &c. ✲ Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, & reddit̃u præd' cum pt̃inen̄, in dominico suo vt de feodo, & iure, tempore pacis, tempore dominæ Reginæ nunc, capiendo inde explec' ad valenc' &c. Et in quæ &c. Et inde producunt sectam &c. Defence per les terres.

D ✲ Et præd' P. & W. in proprijs personis suis venerunt & defend' ius suum quando &c. Et voc' inde ad warr' G. M. generosum, qui præsens est hic in Curia in propria persona sua. Et gratis, maneria, tenementa, & redditus præd', cum pertinentijs, eis warr̃ &c. Demand vers vouchee.

E ✲ Et super hoc prædict' R. & R. petunt versus ipsum G. tenen̄ per warrant̃ suam maneria, tenementa, & redditus, pred' cum pertin̄ in forma
F prædict &c. ✲ Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, & reddit̃u prædict' cum pertinentijs, in dominico suo vt de feodo, & iure, tempore pacis, tempore dominæ Reg' nunc, capiendo inde explec' ad valentiam &c. Et in quæ &c. Et inde producunt sectam &c. Count.

G ✲ Et predict' G. tenens per warrant̃ suam defendit ius suum quan-
H do &c. ✲ Et vlterius voc' inde ad warrant̃ D. H. qui similiter præsens est hic in Curia in propria persona sua, & gratis maneria, tenementa, & reddit̃ prædict' cum pertinentijs ei warrant̃ &c. Defence per vouchee. Le reuouchet.

I ✲ Et super hoc prædicti R. et R. petunt versus ipsum D. tenent̃ per warrant̃ suam maneria, tenementa, et reddit̃ prædicta cum pertinen-
K tijs in forma prædicta &c. ✲ Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, & reddit̃ prædictis cum pertinentijs in dominico suo, vt de feodo, & iure, tempore pacis, tempore dominæ Reginæ nunc, capiendo inde explec' ad valentiam &c. Et in quæ &c. Et inde producunt sectam &c. Demand vers 2. vouchee. Le Count vers 2. vouchee.

L ✲ Et prædictus D. ienens per narrationem suam defendit ius suum
M quando &c. ✲ Et dicit quod prædict' H. non disseisiuit prefatos R. & R. de manerijs, tenementis, & redditu præd' cum pertinentijs, prout ijdē R. & R. per breue & narrationem suā prædictā superius suppoñ. Et de hoc ponit se super patriam &c. ✲ Et præd' R. & R. petunt licentiam in-
N de interloquendi. Et habent &c. Defence per 2. vouchee. Non dist. Li. Lo.

O Et postea ijdē R. & R. reueñ hic in Curia isto eodem termino in proprijs personis suis. Et prædictus D. licet solemniter exact' non reueñ,
P sed in contemptum curie receffit, & defaltam fecit. ✲ Ideo consideratum est quod prædict' R. & R. recuperent seisinam suam versus prefatos P. & W. de manerijs, tenementis, & redditu prædictis cum pertiñ. Le defaut. Iudgm̃t inde.

Q ✲ Et quod ijdem P. & W. habeant de terra præd' G. ad valentiam &c. Recouery in value.

Et quod idem G. vlterius habeat de terr̄ prædict̄ D. ad valentiam &c.

Miſericordia. ✻ Et idem D in miſericordia &c. Et ſuper hoc prædicti R. & R. petunt breue dominæ Reginæ Vicecomiti comitatus prædict' dirigend', de habere faciend' eis plenariam ſeiſinam de manerijs, tenementis, & redditu prædict' cum pertinentijs. Et eis conceditur, returnabile hic a die S. Martini in quindecim dies.

Ad quem diem hic venerunt præd' R. & R. in proprijs perſonis ſuis. R
Et vicecomes ſcilicet I.B. Miles modo mandat quod ipſe virtute breuis illius ſibi directi viceſimo quarto die, No. vltimo præteriṫ, habere fecerit præfatis R. et R. plenariam ſeiſinam de manerijs, tenemētis, & redditu prædictis, cum pertinentijs, prout per breue illud ſibi pręceptum fuit &c. quæ omnia & ſingula ad requiſitionem præd' R. & R. tenore præſentium duximus exemplificandū. In cuius rei Teſtimonium ſigillum noſtrum ad breuia in banco prædicto ſigilland' deputaṫ præſentibus apponi fecimus. Teſte &c. Anno Regni noſtr̄ 36.

A Dedimus poteſtatem to take knowledge of a warrant of Atturney of the vouchee.

Sect. 15. REx & Regina dilecto & fideli ſuo Ra. Ro. ſeruienti ad legem ſalutem. Cum breue noſtrum de ingreſſu ſuper diſſeiſinam in le poſt pendeat coram Iuſtic' de Banco int̄ W. S. & R. C. gener̄ peteñ & G. T. milit̄ dominum T. deforc' de Manerio de W. cum pertineñ ac de vno meſſuag' ducent̄ acris terræ, 60. acr̄ prati, 100. acr̄ paſtur̄, 100. acris boſci, 50. acr̄ more, & quinque ſolidat̄ reddit̄ cum pertineñ in W. & L. in com̄ Saloṗ, & prædict' G. in plena Cur̄ noſtr̄ ibidem coram Iuſtic' noſtris prædict' comparens vocauit W. C. ad warr̄ ei Maner̄ prædict̄ cum pertineñ, ſuper quo tunc & ibidem emanauit breue noſtrum de ſum̄ ad warr̄ vicec' com̄ prædict' direct' verſus eund' W. C. returnabile cor̄ Iuſtic' nr̄is p̄d' in quindena S. Hill' prox' futur̄. Et quia prædict' W. C. adeo impotēns ſui & ſenio confect' exiſtit quod vſque Weſt' cor̄ Iuſtic' noſtris præd' ad diem in dicto breue noſtro de ſum̄ ad warr̄ content̄ laborare nō ſuffic' vt accepimus. Nos ſtatui eiuſd' W. compacientes in hac p̄te, Ded' vobis poteſt' & pleñ author Attorñ vel attorñ quem vel quos idem W. C. ad warrant̄ vocand' lucrand' vel p̄dend' in placito p̄dicto coram Iuſtic' noſtris prædict' loco ſuo coram vobis ponere aut conſtituere voluerit recipiend', Noſque inde in Cancel' noſtra de nomine huiuſmodi Atturñ vel Atturnatorum debite certificand'. Et ideo vobis mandamus quod ad præfat̄ W. C. ſi commod' ad vos laborare non ſufficit perſonaliter accedatis, Attorñq; ſuum vel Attorñ ſuos coniunctim vel diuiſim in forma præd' recipiatis. Et cum Attorñ illum vel Atturñ illos ſic receperitis, nos inde in Canc' noſtra in xv. S. Hillarij vbicunque tunc fuerit ſub ſigillo veſtro debite certificetis, hoc breue nobis remittentes T. &c. A

It

It is returned thus.

B Respond' infranominat̃ R.R. ad hoc breue.
Execuc' istius breuis patet in quadam schedula.
Huic breui annex' R.R.

C Salop̃ ss. PRæcipe G.T. militi domin̄ T. quod iuste &c. reddat W.S. et R.C. manerī de W. cum pertinentijs ac vnum messuag' &c. (vt supra in le Dedimus potestatem verbatim) cum pertineñ in W. & L. quæ clamant &c.

D Salop̃ ss. VOc' ad warr̄ po. lo. suo, A.B. et F.R. coniunctim & diuisim versus W.S. et R.C. de placito terræ.

E ¶ Capt̃ et recogn̄ apud Firbeck in com̄ Eborum decimo die Februarij, Anno Regni dominæ nostræ Eliz. &c. 36.

Ra. Ro.

Dedimus potestatem de attorn' rec' in breui de ingressu super disseisinam in le post pro tenent'.

A REx dilecto et fideli suo H. W. militi, Salutem. Cum per breue Sect. 16.
nostrum de ingressu super disseisinam in le post pẽdens coram Iustic' nostris de communi banco nostro int̄ H.D. et T.H. de xx. acris terræ tribus acris prati et xij. acris pasture cum pertinentijs in M. in comitatu N. Et quia idem T. adeo impotens et senio confectus existit quod absque maximo corporis sui periculo coram Iusticiar' nostris prædictis ad diem in dicto breui nostro contentum laborare non sufficit, vt accepimus. Nos statui eiusdem T. pie compatientes in hac parte, dedimus vobis plenam potestatem & authoritatem attorn̄ vel attornatos coniunctim vel diuisim, quem, vel quos idem T. ad lucrand' vel perdend' in placito prædict', coram Iustic' nostris prædict' loco suo coram vobis ponere aut constituere voluerit recipiend', nosque inde in Canc' nostra de nomine huiusmodi attorn̄ vel attornatorũ debite certificand'. Et ideo vobis mandamus quod ad præfat̃ T. si commode ad vos laborare non sufficiat personaliter accedatis, attornatumq; suum vel attornatos suos coniunctim et diuisim in forma prædict' recipiat̃. Et nos in Canc' nostra de nomine huiusmodi attorn̄ vel attornatorum ipsius T. in Craſt. Sancti I. proxim̄ futur' vbicunque tunc fuerit sub sigillo vestro debite certificetis hoc breue nobis remittentes, T. xxv. die Aprilis Anno regni Reginæ &c.

It is returned thus.

B REspondend' infranominat̃ H.W. ad hoc breue, execuc' istius breuis patet in quadam schedula huic breui annex'. H.W.

C Nott. ss. PRæcipe T. H. quod iuste &c. reddat H.D. 20. acras terræ &c. vt supra in le Dedimus potestatem verbatim,

cum pertinentijs in M. quæ clamat &c.

Nott. ll. T.H. po. lo. ſuo A.B. et F.R. coniunctim & diuiſim verſus D
H.D. de placito terræ.

¶ Capta et cognit̃ apud Firbecke in com̃ Ebor̃ decimo die Februa- E
rij, Anno regni dominæ noſtræ Eliz. &c. 36.

H.W.

Aliud breue de Ded' poteſt' rec' attorn' ten' ſuper breue de ingreſſu.

Sect. 17. REx reuerendo in Chriſto patri Cuthberto Epiſcopo D. et W.B. Sa- A
lutem. Cum breue nr̃m de ingreſſu ſuper diſſeiſinam in le poſt pẽ-
deat coram Iuſtic' nr̃is de Banco inter A.B. milit̃ petentem & C.D. ar-
mig' tenentẽ de quarta parte Manerij de F. cũ pertin̄ ac 800. acris ter-
re, 20. acris prati, 220. acris paſtur̃, 300. acris boſci, & quadragint̃ libris
redd' cum pertin̄ in F. prædict̃ in com̃ Eſſex. Et quia idem C. adeo im-
potens ſui & ſenio cõfectus exiſtit, quod abſq; maximo corporis ſui pe-
riculo vſq; Weſtm̃ ad diem in dicto breui content̃ ad perſonaliter com-
parend' & ad id quod in eod' tunc ibidem fier̃ expediens foret faciend'
& agend', laborare non ſufficit, vt accepimus, Nos ſtat̃ eiuſdem C. cõ-
pacientes in hac parte Dedimus vobis & vtriq; vr̃m coniunctim et di-
uiſim plenam poteſtatem et auctoritatem recipiendi Attorn̄ vel At-
torn̄ prædicti C. quem vel quos idem C. perſonalit̃ cor̃ vobis vel vno
vr̃m verſus præf. A. in breui prædict̃ pendẽ coram præf. Iuſtic' noſtris
loco ſuo ponere, attornare, vel conſtituere voluerit ad placita placitand',
warr̃ vocand', lucrand' vel perdend' in breui illo. Et ideo vobis & vtriq;
vr̃m coniunctim et diuiſim mandamus quod ad præfat̃ C. ſi commode
ad vos laborare non ſufficiat, perſonalit̃ accedentes, attorn̄ vel attor-
nat̃ quem vel quos idem C. perſonalit̃ cor̃ vobis vel vno vr̃m in breui
prędict' coram præf. Iuſtic' noſtris pendẽ verſus præf. A. ad placita ibi-
dem ad præf. terminum placitand' warr̃ vocand', lucrand', vel per-
dend', loco ſuo ponere, attorn̄ & conſtituere, voluerit, recipiatis vel v-
nus veſtrum recipiat. Et cum attorn̄ vel attorn̄ huiuſmodi ſic receperi-
tis, vel vnus vr̃um receperit, nos inde in Cancellar̃ noſtra de nomine
vel nominibus huiuſmodi attornati vel attorn̄ ipſius C. in Oct' Sancti
Hill' prox' futur̃, vbicunq; tunc fuerit, ſub ſigillis veſtris vel vnius vr̃m
debite certificetis vel vnus veſtrum certificet, hoc breue nobis remit-
tentes, Teſte &c.

✠ *The forme of a Recouerie with ſingle voucher.*

PRæcipe S.H. quod reddat A.B. & C.D. 40. meſuagia cum pertinen̄ A
in G.D.R. &c.

Prædict' S.H. ponit loco ſuo R.F. & T.N. coniunctim & diuiſim verſus B
prædict' A.B. & C.D. in placito terre.

W. A.

C W.A.quem prædict' S.H.vocat̃ ad warrantiam ponit loco ſuo G.M. et T.F. coniunctim & diuiſum verſus prædict' A.B. & C.D. in placito terre.

D Prædict' A.B.et C.D.ponunt loco ſuo R.C. et F.C. coniunctim et diuiſim verſ. præd' S.H. in placito terre.

A common Recouery had by diuerſe, againſt one, of diuerſe mannors &c. within the Countie Palentine of Cheſter, before the Iudges of the ſhires or counties.

A DE placitis Coñ Ceſtriæ apud Ceſtriam corã T.E.armig' filio T.E. militẽ Iuſtic' dñi Regis ibiñ die Martis proximñ poſt feſtũ exaltacionis ſanctæ Crucis anno regni regis Henrici octaui poſt conqueſtum Angliæ octauo. Sect. 18.

B R.E.miles,P.D.miles I.,S.filius & heres apparens T.S. de W.T. S. filius & heres apparens R.S.de S.et G.L.Capellanus, per T.B.attornat̃ ſuum in cur̃ domini regis hic petunt verſ. H.S. de O. arñ manerẽ de O. alias O.cum pertinent̃ & 14.meſuagia &c. vt ius et hereditatem ſuam, et in quæ idem H. non habet ingrẽm niſi poſt diſſeiſinam quam Tho. Cutt inde iniuſte et ſine iudicio fecerit prefat̃ R.P. I.T. et G.poſtquam Iohannes Scoticus factus fuit comes Ceſtriæ &c. Et vnde ijdem R.P. I.T. et G.dicunt quod ipſimet fuer̃ ſeſcit̃ de eiſdem manerijs meſuag', terris,prat̃,paſturis,boſcis,turbar̃, moſſet̃, et reddit̃ cum pertineñ &c.in dominico ſuo vt de feodo tempore pacis, tempore domini regis nunc capiend' inde expleciones ad valenc' &c. Et in quæ &c. Et inde producunt ſectam.

C Et prædict' H.S.arm' in propria perſona ſua venit et defendit ius ſuũ quando vocat ad warrañ T.N. qui præſens eſt hic in cur̃ in propria perſona ſua & gratis eid' H.S.manerium meſſuag',terr̃,tenement̃,prat̃,paſtur̃,boſc',turbar',moſſet̃, & reddit̃, et medietatem manerij de E. ſuperius petit̃ cum pertineñ warrãtizat. Et ſuper hoc præd' R.P. I.T. et G. petunt verſus eundẽ T.N,tenement̃ per warrañ ſuã præd' maner̃ meſſuagia &c. et medietatem manerii de E. cum pertineñ in forma præd' &c.et vnde dicunt quod ipſimet fuerunt ſeiſit̃ de eiſdem manerijs meſſuag',terr̃,prat̃,paſtur̃,boſco,turbar̃,moſſet̃, reddit̃,& medietatem manerij de E.cum pertinent̃ in dominico ſuo vt de feodo, tempore pacis tempore dict' domini regis nunc capiend' inde expleciones ad valenc' &c. & in quæ &c.Et inde producunt Sectam.

D Et prædict' T. N. tenens per warrant̃ ſuam defend' ius ſuum quando &c. et dicit quod prædict' T. C. non diſſeſiuit præfat̃ R.P. I.T. et G.de prędict' maner', meſſuag',terr', prat̃,paſturis, boſc', turbar̃, moſſet̃, & reddit̃, & medietat̃ manerij de E. ſuperius petit̃ cum pertinentiis modo & forma prout prædict' R.P. I.T. & G. per breue & narrationem

racionem ſuam prædict' ſupponunt &c.

Et præd' R.E.P.D.I.T.& G.petunt licenc' inde interloquẽdi hic &c. E
& habent. Poſteaque iſto eodem coñ hic &c.præd' R.P.I.T.& G.per Atturnat ſuum prædict' reuen in cur domini Regis &c. Et prædict T. N.tenen per warr ſuam licet ſolemniter exact' non reuenit ſed in contempt cur hic receſſit & defalt fecit. Ideo conſiderat eſt per Iuratores coñ præd'quod præd' R.E.P.D.I.T.& G.recuperarent ſeiſinam ſuam verſus prædict' H.S.de prædict' Man, meſſuag', terr,prat, paſtur, boſc', turbar moſſet redd it & medietat manerij de E.ſuperius petit cum pertinentijs.Et quod idem H.habeat de terra præd' T.N,ad valenc',Et idem T.N,in miſerecordia.

A common Recouery by diuerſe before the Iuſtice of Cheſter and Iudges of the ſame Countie of a Manor &c. Tempore H.8.

Sect' 19. DE placitis coñ Ceſtrie apud Ceſtriam coram T. E.ar, A
filio T.E.milit Iuſtic' domini Regis ibidem die martis in prima Septimana quadrageſſima, An Regis H.8.21.
R.B,W.B.B.B.filij R.B. milit O.B.H.D.filius & heres R.D. armig' B
defunct' D.D.de E.& R.C.capellanus per Th.B. atturnat ſuum in curia domini Regis hic petunt verſus R.D.capellan & T.H.de ciuitate C.maner de W.cum pertinentijs 30.meſuag' vnum molendinum aquaticũ 500.acr terre,400.acras prat, 200. acras paſtur, 100. acras boſci, 20.acr turbarie,40.acras terre aqua coopert, & xl.li.reddit cum pertinen in W. & O.vt ius & hereditatẽ ſuam & in que ijdem R. & T. non habent ingreſſum niſi poſt diſſeiſinam quam T.C.iniuſte & ſine iudicio fecit prefat R.W.B.&c.poſtquam I. Scoticus fact' fuit comes Ceſt' &c. Et vnde ijdem R.W.B,&c.dicunt quod ipſimet fuer ſeiſit de eiſdem maner,meſuag'molendino terris prat paſtur boſc' turbar terr aqua coopert reddit cum pertinen in dominico ſuo vt de feod' tempore pacis tempore dñi regis,nunc capiend' inde expleciones. ad valenc' &c. Et in que &c. & inde produc' ſectam &c.

Et prædict'R.D.& T.H.in proprijs perſonis ſuis ven & defendunt ius C
ſuum quando &c. & vocant inde ad warran W.M.arm qui preſens eſt hic in curia in propria perſona ſua & gratis maner,meſuagium molendin terr,prat,paſtur,boſc',turbar,terr aquã coopert prædict' eidem R. D. & T.H.warrantizat &c. Et ſuper hoc prædict' R. W.B. &c. petunt verſus ipſum W.M. arm tenerñt per warrantiam ſuam, prædict' manerium,meſuag' molend'terr,prat,paſtur, boſc',turbar, terr aquã coopert & reddit ſuperius petit cum pertinen in forma prædict' &c. & vnde dicunt quod ipſimet fuerunt ſeiſit de eiſdem maner, meſuag', molendin, terr,prat,paſtur,boſc',turbar,terr aqua coopert & reddit cum pertinen in dominico ſuo vt de feodo tempore pacis tempore dicti domini regis

nunc

nunc capiend' inde expleciones ad valenc' &c. Et in quæ &c. Et inde producunt ſectam &c.

D Et prædict' W. M. armiger tenens per warrant̃ ſuam defendit ius ſuum quando &c. et vocat̃ inde ad warrantam Th. Needham qui pręſens eſt hic in cur' in propria perſona ſua et gratis manerium meſuag' molēd' terr' prat̃, paſtur̃, boſc', turbar̃, terr̃, aquā coopert̃ & reddit̃ prædict̃ cum pertineñ eidem W. M. warrantizat &c. Et ſuper hoc prædict' R. W. B. &c. petunt verſus ipſum Th. Needham teneñ per warrañ ſuam prædict' maner̃ meſuag' molend' terr' prat̃, paſtur', boſc', turbar', terr', aquā coopert̃ & redd' ſuperius petit̃ cum pertineñ in forma præd'. Et vnde dicunt quod ipſimet fuerunt ſeiſit̃ de eiſdem maner̃ meſuagijs molendiñ terr' prat̃, paſtur̃, boſc', turbar', terr' aqua coopert̃ et reddit̃ ſuperius petit̃ cum pertinent̃ in dominico ſuo vt de feodo tempore pacis, tempore dict' domini Regis nunc capiend' inde expleciones ad valenc' &c. Et in quæ &c. Et inde producunt ſectam &c.

E Et prædict' Tho. Needham teneñ per warrant̃ ſuam defendit ius ſuum quando &c. Et dic' quod prædict' Th. Cutte non diſſeiſiuit prædict' R. W. B. &c. de manerio meſuagio, molendino terr' prat̃, paſtur', boſc', turbar', aqua coopert̃ et reddit̃ cum pertinent̃ modo & forma prout ijdem R. W. B. &c. per breue & narrationem ſuam ſuperius ſupponunt &c.

F Et prędict̃ R. W. B. &c. petunt licenciam inde interloquendi hic &c. Et habent &c. Poſtea quæ iſto eod' com̃ hic &c. ijdem R. W. B. &c. per prædict̃ Atturnat̃ ſuum reueñ in cur' domini regis &c. Et prædict̃ T. N. tenens per warrant̃ licet ſolempniter exact̃ non reueñ ſed in contemptum curiæ hic receſſit et defalt̃ fecit &c. Ideo conceſſum eſt per Iudicatores com̃ prædict̃ quod præd̃ R. W. B. recuperarent ſeiſinam verſus præd' R. D. & T. H. de præd' manerio meſſuagijs molendiñ, terr' prat, paſtur', boſc', turbar', terr', aqua coopert̃, reddit̃, ſuperius petit̃ cū pertinent̃ &c. Et quod præd' R. D. & T. H. habeant de terr' prædict̃ W. M. ad valenc' &c. Et quod idem W. M. habeat de terris prædict̃ T. N. ad valenc' &c. Et idem T. N. in mīa &c.

The like common Recouerie in the ſaid Countie of Cheſter to the next before, and of the ſame mannor and lands in the time of the ſaid king.

A DE placitis com̃ Ceſtriæ apud Ceſtr' coram T. E. arm̃ filio T. B. milit̃ Iuſtic' domini regis ibm̃ die Martis poſt feſtum decollacionis ſancti Iohannis Baptiſtæ, Anno regni Regis H. 8. poſt conqueſtum Angliæ 21. Sect. 20.

B R. B. de Ceſtr̃ R. B. W. B. B. B. filij R. B. milit̃ et O. B. per T. B. Atturnat̃ ſuum in curia domini Regis hic petunt verſus W. M. arm̃ maner' de W. viginti tria meſuag' vnum molendinum aquat̃ treſcent̃ acras

terre

terre viginti acr̃ prati, centum acras paſtur̃, quadraginta acras boſci, decem acr̃ turbar̃ & decem acras terre aqua coopert̃ cum pertiñ in W. M. K. & W. vt ius & hereditat̃ ſuam, & in que idem W. M. nõ habet ingreſſum niſi poſt diſſeiſinam quam T. C. inde iniuſte & ſine iudicio fecit p̃fat̃ R. R. W. B. & O. poſtquam I. Scotticus fact' fuit comes C. &c. Et vnde ijdem R. R. W. &c. dicunt quod ipſimet fuerunt ſeiſit̃ de eiſdem maner̃, meſuagijs, molend', ter̃, prat̃, paſtur̃, boſc', turbar̃ & terr̃ aqua cooperẽ cum pertineñ in dominico ſuo vt de feodo tempore pacis tempore domini regis nũc, capiend' inde expleciones ad valenc'. Et in que &c. Et inde producunt ſect' &c.

Et præd' W. M. in propria perſona ſua venit & defendit ius ſuum quãdo &c. Et vocat inde ad warrantam T. N. qui preſens eſt hic in cur̃ in ꝓpria perſona ſua & gratis eid' W. M. Mañ et teñta p̃d' cum pertiñ warrantizat. Et ſuper hoc præd' R. R. W. &c. petunt verſus ipſum T. N. teneñ per warrantiam ſuam &c. Maner̃ et teñta præd' ſuperius petit̃ cum pertineñ in forma præd' &c. Et vnde dicunt quod ipſimet fuerunt ſeiſiti de eiſd' teñtis cum pertiñ in dñico ſuo vt de feodo tẽpore pacis, tẽpore dict' regis nunc capiend' inde expleciones ad valenc' &c. Et in que &c. Et inde producunt ſectam &c. Et præd' T. N. tenens per warrantiam ſuã defend', ius ſuũ quando &c. Et dicit quod præd' T. C. non diſſeiſiuit p̃d' R. R. W. &c. de teñtis præd' cum pertiñ modo & forma prout ipſi per breue & narracionem ſuas ſuperius ſupponunt &c. C

Et præd' R. R. W. &c. petunt licenciam inde interloquendi hic &c. & habent &c. Poſteaque iſto eodem com̃ hic &c. ijdem R. R. W. per Atturnat̃ ſuum præd' reueñ in curia dñi regis. Et præd' T. N. tenens p̃ warrantiam ſuam licet ſolemniter exact' non reueñ, ſed in contempt̃ curie hic receſſit & defaltam fecit: Ideo conceſſum eſt per Iudicatores com̃ præd' quod prædict' R. R. W. B. B. et O. recuperarent ſeiſinã ſuam verſus præd' W. M. de teñtis præd' ſuperius petit̃ cum pertiñ &c. Et quod p̃d' W. M. habeat de terris præd' T. N. ad valenc' &c. Et idem T. N. in miſericordia &c. D

SYM-

SYMBOLEOGRAPHY.

Of Indictments and Offences.

Of Indictments.

A AN Indictment is a bill or declara- Sect. 1.
tion made in forme of Law (for the benefit of the common wealth) of an accusation for some offence, either Criminal or Penal, exhibited vnto Jurors, and by their verdict founde and presented to be true, before an Officer hauing power to punish the same offence. And such an Indictment is made to the end to compell the partie accused to aunswere thereunto.

B In euery indictment two things seeme principally to be considered: First, the verie offence, for reformation wherof thindictment is framed. And then the right forme of the Indictment it selfe, according to the distinct qualitie of euery seueral offence.

C Therefore as in my treatise of Extraiudicial Symbolæography, I haue first discoursed how Obligations spring of consent, & thē disclosed the seueral formes of Instruments thereof: So in this I haue thought good first briefly to vnfold the sundry natures of Offences and defaults, and how they bind thoffendor. And then to lay downe the doctrine and seueral formes of Indictments concerning the same.

Offence.

A AN offence therefore is a fact done vnlawfull and forbidden by na- Sect. 2.
ture or Law, whether the same be in cōmitting or omitting, whereof thone for learning sake, may fitly be termed an offence, and thother a default, for in Law, thought is free from offence.

Indeuour.

A BVt so is not indeuor many times, because therein, is guile and pur- Sect. 3.
pose to offend.

Offence priuate and publike.

A AND euery offence is of the estate, publike, or priuate, and is thereof Sect. 4.
so termed.

The description of both which offences, is drawen somtime from the maner of doing: but may perchance more fitly be taken from the obiect which is hurt, vnlesse some thinke good to conioine them both.

Sympa-

Symphathie betweene the common wealth and her members.

Sect' 5. FOr certes, when a priuate person is offēded, it cannot lightly be de- A
nied, but that the common wealth is thereby also offended, and a-
gaine, the common wealth being endammaged, howe can it be chosen
but euerie Subiect thereof is also affected, as being a member of the
same.

So great a Sympathie and mutuall suffering being in them, as be- B
tweene the head and members of a naturall bodie.

But in asmuch as some offences done, more merely respect priuate C
wealth, and some other more meerely the weale publike, those be ter-
med priuate, and these publike.

Offence publike and priuate.

Sect' 6. A Publike offeuce, is a greeuous fault committed against the com- A
mon wealth, A priuate offence is an offence against the wealth of
a priuate person.

Offences blinde.

Sect' 7. EUery offence of his owne nature maketh the offendor bound to the A
common wealth, or to a priuate person, or to both, and not onely they
which actually cōmit offence, but they also which command, perswade,
counsel, procure, abbet, aide or consent that an offence be perpetrated or
conceale it being done, are censured to offend.

Offences named and vnnamed.

Sect' 8. AND offences are either named or vnnamed. A
Offences named bee such offences as haue certaine names in B
Lawe.

Ofences vnnamed.

Sect. 9. VNnamed offences bee those which albeit they bin committed, yet A
haue they no certeine name set forth in our law, whereby they may
be called.

Offences named.

Sect' 10. AGaine offences named be either our owne or other mens faults, by A
which we are bound, and they haue a certaine name in law, wher-
by to be termed.

Offences simple.

Sect' 11. OUr owne proper offences be either simple or mixt. A
Our simple offences be such as be committed by our owne say- B
inges or deedes,

Offences mixt.

Sect' 12. AND the mixt be those which be committed by words and deeds both A
togither.

Offences by worde.

Offences

A OFfences by sayings onely, be they by which the mind, dignitie, or fame of an other man (which is compared to life) is hurt & not his bodie, & these are also done by counsaile or by contumelious words. Sect' 13.

Counsaile.

A BY Counsaile, as through wicked perswasion.
Wicked perswasion is fraudulent counsaile giuen to any, whereby his minde is corrupted and made worse to doe or attempt any thing naughtly: which yet doth not induce necessity to do the thing, though it bind him that giueth such counsaile. Sect' 14.

Offence by contumelious words.

A AND offence or crime by words, is when through peruerse wordes, the good name, credite, or dignitie of a man is impaired. Sect' 15.

Slaunder.

A AND it is either by voice or writing, and is called Slaunder, which is either against God or man. Sect' 16.

Slaunder against God.

A SLaunder against God, is whereby the Maiestie diuine is euil spoken off. Of this sort be blasphemie, Magicke, Heresie, Apostasie, and Periurie. Sect' 17.

Blasphemie.

A BLasphemie is a wicked saying, or slaũder pronounced against God, touching his essence or word reuealed. Sect' 18.

Magicke.

A MAgitiõs be those which by vttering of certein superstitious words conceiued, aduenture to attempt thinges aboue the course of nature, by bringing forth dead mens ghosts as they falsly pretended, in showing of things either secret or in places farre off, & in showing them in any shape or likenesse. These wicked persons by othe or writing written with their owne blood, hauing betaken themselues to the deuil, haue forsaken God, & broken their couenant made in baptisme, and detest the benefits thereof, and worship the deuill onely. And setling their whole hope in him, do execute his commandements, and being dead, commend both their bodies and soules vnto him. Sect' 19.

Southsaying wizards.

A OF this kind of Magicians be al those which ensue, as Southsaiers or Wizards which diuine & foretel things to come & raise vp euil spirits by certein superstitious & conceiued formes of words. And vnto such questions as be demaunded of them, do answere by voice, or else set before their eies in glasses, christall stones, or rings, the pictures or images of things sought for. Sect' 20.

Diuination.

A THe professors of thart of Diuination which be puffed vp with pro- Sect' 21.

phesing

phesing spirits. And can manifest who hath stolleu things, and tel where things lost or stollen be.

Iugling.

Sect' 22. IUglers and sleightie Curers of diseases which for the curing of all sicknesses and sores of man and beast, vse either certeine superstitious words or writings called charmes or spelles hanged about the necke or some other part of the body. A

Inchauntings and Charming.

Sect. 23. INchanters or Charmers through certein words pronounced and characters or images, herbes, or other things applied, thinke they can do what they list, the deuil so deceiueth them, or in very deed dispatcheth those things which the Inchantors would haue done, from these somewhat differ witches or hagges, & Augurers or Southsaiers by birds, diuinors by seeing thintrals of beasts sacrificed. A

Witcherie.

Sect' 24. A Witch or hagg is she which being eluded by a league made with the deuill through his perswasion, inspiration and iuggling thinketh she can designe what maner of euil things soeuer, either by thought or imprication, as to shake the aire with lightnings & thunder, to cause haile & tempests, to remoue greene corne or trees to an other place, to be caried of her familiar which hath taken vpon him the deceiptful shape of a goate, swine, or calfe &c. into some mountaine farre distant, in a wonderfull short space of time. And sometimes to slie vpon a staffe or forke, or some other instrumēt. And to spend all the night after with her sweet hart, in playing, sporting, banqueting, dauncing, daliance, and diuerse other deuelish lustes, and lewd desports, & to shew a thousand such monsterous mockeries. A

Heresie.

Sect' 25. HEresie, is a resolute & obstinate error in some article of our christian faith, 1. Timo. 4. 1. 2. Peter 2. 1. 1. Cor. 11. 19. Rom. 16. 17. A

Anabaptisme.

Sect' 26. AMongst Heretikes are numbred, Anabaptists, which wickedly iterate holy baptisme, which hainous offence is very grieuous, as by which the Maiestie of almighty God, and the promise which in the first baptisme was effectual, are violated. A

Apostacie.

Sect' 27. A Postacie followeth, which is a forsaking of the Christian faith. A
And Apostasie hapneth two waies, either when any man partly reuolteth from true religion into a wicked sect reteining stil the name and title of Christianisme, or when the contrary side of the Iewes or Pagans so please him, that he wholy forsaketh the professiō of the Christian both in name and substance. B

Periu-

Periurie.

A PEriurie, is a lie affirmed by othe. Sect' 1.
B So much of slaunderous speeches, against God.

Slaunder against man by word.

A ASlaunder against man is an iniury done to him by wordes or wri- Sect' 29.
tinges. By words when any thing is said or done by words to the
contempt or reproche of an other.

By writing.

A INiurie by writing is done by a slaunderous libell or picture. Sect' 30.

By libell.

A ASlanderous libel, is when a libell, epigram, rime or other writing Sect' 31.
is produced, written or composed to the note or contumely of any
man, or the same procured to be bought or sold, that by that meanes the
dignitie or fame of an other man may be hurt.

By Picture.

A AN infamous or slaunderots picture, is when any man to his infa- Sect' 32.
my or ignominy is painted in any infamous or dishonest habit or
sort, as hanging vpon the gallowes, or in some euil place or maner.
B We haue shewed thoffences committed by wordes, by which a mans
name or dignitie is harmed: let vs now hasten to those which are done
by deedes.

Offences by deeds.

A AAnd they be said to be done by deed, not because they are not also Sect' 33.
done of minde and purpose: but for that they chiefly consist in the
fact without which it may vneth be Iudged of their punishment. And
for that such offences are not perpetrated against the minde, but the bo-
die either of man or his goods, whether it be done mediatly or immedi-
atly. Offences by deeds either altogether distroy a thing, or at the least
impaire the same.

Destruction.

A DEstruction is the vtter killing or corrupting of things. Sect' 34.
And it is either of a fact permanent and apparant: or transitorie,
and during but a little while.

Facts Permanent.

A APermanent fact, is that whose verie steppes or prints abide, & are Sect' 35.
to be seene after thoffece done: of this kind be slaughter & burning.

Slaughter.

A SLaughter is a killing done by any meanes, and it is either of man Sect' 36.
or beast.

Homicide.

A THe slaughter of Man is called Homicide, which is euery taking a- Sect' 37.
way of life from any person bond or free, by man done with violece

by

by which the sole is seuered from the bodie, by what maner of meanes so euer it chance, whether by sword, staffe, or other weapon, or by venim or poison, the cause of death be giuen.

Voluntarie.

Sect' 38. HOmicide is either voluntarie or casual. A
Homicide voluntarie is that which is deliberate and committed B
of a set minde and purpose to kill.

Malicious.

Sect. 39. HOmicide voluntarie is either without precedent malice or with A
precedent malice.
Of homicides voluntarie without malice precedent, some are com- B
maunded, and some tollerated by law, and others forbidden.

Commaunded.

Sect' 40. HOmicides voluntarie commanded by law are such as are done ei- A
ther for Justice sake, or vpon vrgent necessity.

For Iustice.

Sect' 41. HOmicide for Justice sake, is thinflicting of ordinary punishment A
vpon heinous offendors by death, which is dispunishable, yet in this case it behoueth the Iudge and other officers to be free from desire of blood and priuate reuenge.

Necessarie.

Sect' 42. HOmicide vpon necessity is either in the due & orderly execution of A
Justice, as the killing of thoffendors in felonie which resist or flye officers hauing warrant to arrest, or deteine them, or persons pursuing them with hue and crie, or riotors resisting Justices of the peace, which come to arrest them, or prisoners resisting their gailors, if such offendors cannot otherwise be attached or holden. So is it of persons riotously assembled resisting persons authorised to apprehend them, 1. Mar. ca. 12. And likewise of offenders in parks, forests, and warrens, resisting or flying away after hue and crie, 21. Ed. 1. and Burglers and Robbers all which homicides are dispunishable, 26. Ass. 32. and diuers other in like cases by sundry statutes.

Se defendendo.

Sect' 43. HOmicide vpon necessity in ones owne defence is termed Se-defen- A
dendo, & is where any man being assaulted by any other, flyeth so farre as he can without eneuitable danger of death, & then in defending himselfe killeth his aduersarie, yet for this offence he looseth his goods, & must procure pardon for his life, Glouc' cap. 9. 43. Ass. 31.

Forbidden.

Sect' 44. HOmicides voluntarie forbidden by Law, without precedent ma- A
lice is manslaughter or homicide, or by chance medley, which is where two men void of all former malice and euill will, meeting toge-

ther

cher by chance, & vpon sudden falling out, thone of them killeth thother with violence neither for Iustice, nor in case of necessitie, Plow. f. 100. & 101. 21. H. 7. fol. 23.

Homicide malicious.

A THus much of voluntarie homicides without malice precedent, now of homicide voluntarie of malice proceeding which is termed murder, & is the felonious killing through malice prepensed of any person liuing in this Realme vnder the Queenes protection. Sect. 45.

Of a mans selfe.

A AND it is either of himselfe, or of another.

B A Homicide of the partie himselfe, is termed felo de se. And is where any man of hatred conceiued against himselfe, doth desperatly, wilfully and feloniously kil or destroy himselfe by hanging, drowning, poysoning or otherwise. Sect. 46.

Murder.

A MVrder of others then the selfe partie, is the like wilfull and felonious killing of any other of premeditate malice. And if thoffendor did owe by Lawe vnto the partie slaine any ciuill obedience, it is in some cases termed petie treason. As if the wife kill her husband, the seruant his Master or Mistres, or a Clerke his Ordinary by reason of the reciprocall trust, and loyaltie which the law requireth betweene such persons, and this offence is therefore farre more heynous then any of thother of homicides. Sect. 47.

Homicide casuall.

A THus briefly of Homicides willingly done, Homicide casual which may also be termed, Homicide by mischance, misfortune, or misaduenture, is when he that killeth an other, had no will, intent, mind, or purpose so to do, or the man is slaine by some other thing then a man. In which case theffender is to haue his pardon of course for life & land, but yet must loose his goods. And this homicide is either mearely casuall or mixt. Sect. 48.

By Chaunce.

A HOmicide by meare chaunce, is when by meare fortune against the minde of the killer, a man is slaine. As if one hewing, the are flieth of the shafte and kill one, or if a man lopping a tree warneth the bystanders, that the tree is ready to fall, and yet by the same some of them is slaine, or in throwing tiles from an house or such other lawfull acts, or the party is killed by some other thing then man by misfortune, as by falling from an horse or cart, by a stroke of an horse or any other moueable thing then man, In which case the thing which killed him, and all things that moued the same are forfaited to the Queene, and termed a Deodand, as if a cart wheele go ouer a man and kill him, the Sect. 49.

wheele, cart, and al things therein, and the horses that drew the same, be all Deodans, 3. E. 3. vndeversus.

Omnia quę mouent ad mortem, sunt Deodanda, Dyer fo. 78. pl. 37.

Mixte.

Sect. 50. MIxt is when the killers ignorance, or negligence is ioyned with the chaūce, as if a man loppe trees by an high way side, by which many vsually trauaile and cast downe a bough not giuing warning to take heed thereof, by which bough one passing by, is slaine, in which case he offendeth because he gaue no warning that the party might haue taken heed to himselfe. A

Thus you see the diuers kinds of Manslaughter.

Slaughter of beasts.

Sect. 51. THe slaughter of beasts foloweth by what meane soeuer it cōmeth, which is a damage done by iniurie and wrong, guile or default against the Law, which might or ought to haue beene taken heed of. Of this offence springeth an action to the owner of the beast according as the value thereof shall be esteemed by a Iurie. A

Burning.

Sect. 52. THus farre of slaughters of man and beast: burning ensueth which is also felony, as the wilfull burning of a dwelling house, 3. H. 7. 10. And burning of a barne adioyning to a dwelling house by night, 11. H. 7. fol. 1. And burning of a barne with corne not adioyning to a dwelling house by day. A

Offences transitorie.

Sect. 53. AND these concerning offences of continuing facts, those follow which are of transitorie or momentarie factes, as vnlawfull copulation, burglarie and theft. A

Adulterie and fornication.

Sect. 54. VNlawfull copulation, is euerie carnall coniunction had out of lawfull matrimonie, and it is termed fornication or adulterie, which is first either naturall or against nature, and either voluntary or violent. Fornication naturally committed, is betweene man and woman, which if it be perpetrated betweene kinsfolks, is said to be incest. Copulation violent is termed a rape or rauishment of a woman against her will, which is carnall knowledge had of a woman, who neuer consented thereunto before the fact nor after, and this offence is felony in the principall and his aydors, 11. H. 4. 13. 1. E. 4. 1. Westm̄ 2. cap. 13. And carnall abuse of a woman childe, vnder x. yeeres old is felony, 18, Eliz, cap. 6. A

Sodomy or buggery.

Sect. 55. COpulation against nature, is by male or female against nature, or by female with female, or with beasts which is called Sodomy or buggery, A

buggery, 25.H.8, cap.5. 5.Eliz.cap.17. which be felony.

Burglarie.

A BUrglarie is a felonious entring into an other mãs dwelling house wherein some person is, or into a Church, in the night time, to the end to commit some felony therein, as to kill some man, or to steale somewhat thence, or to do some other such felonious act there, albeit he execute not the same, if thintent or fact of this offender be to steale, this is like robberie, If to murder, it differeth not much from murderers, & so of other felonies. Sect.56.

House-robbing.

A THe offence against the Statutes of 23.H.8.cap.1. and 3.Edw.6. cap.9. somewhat resemble this, for by them it is ordained, that if any person do robbe another in any part of his dwelling place, or in his booth, or tent, in any faire or market, and the owner of his wife, children or seruants being within the same, he committeth felony. Sect.67.

Theft.

A THeft ensueth, in which not so much the destruction of a thing, as the taking away of the same chaunceth. Sect.58.

B Theft is an vnlawfull felonious taking away of another mans moueable personall goods, against the owners wil, with intent to steale
C them. And it is from the person, or in presence of the owner, or in his absence.

From the person.

A THeft from the owners person or presence, is of two sortes, thone putting thowner in feare, thother not. Sect.59.

Robberie.

A RObberie is a felonious taking away of another mans goods, from his person, or presence, against his will, putting him in feare and of purpose to steale the same goods. Sect.60.

And this robbery is sometime termed violent theft, because the party is in the law thereby terrified.

Without feare.

A THeft frõ thowners person, not putting him in feare, is by cutting or picking his purse, and stealing the money, or purse, or both: this is done sleightly, without the owners feare and priuity, Sect.61

B But to perfect this offence, an actuall possession of the thing taken once seuered from the person of the owner, seemeth necessarie in the offendor, and that the thing stollen, exceed the valew of xii.pence.

C Theft of goods in the owners absence, is termed Larceny, which is nothing else but a felonious and fraudulent taking away of another mãs moueable personal goods, not being vpon the person of the owner, nor in his presence. And Larciny in respect of the thinges stollen,

is either great or small: For great Larciny is, when the things stollen though they be taken at seuerall times exceede the valew of xii. s. And petie Larcinie is, when the goods so taken exceede not the valew of xii. s.

Hurting and violence.

Sect.62. NOw then crimes comming from the destruction of things, being thus hastely run ouer. Let vs steppe on to thother which haue their name of the hurting of the thing, and violent hurting destroyeth not the body, but harmeth and anoyeth it, and maketh either the body, or the state and condition thereof worse. A

Hurts to the bodie of the common wealth, as treasons.

Sect.63. AND through certaine offences is hurt to the common wealth immediatly, and allwaies, or the members thereof. The common wealth is hurt eyther in respect of the amplitude and maiestie thereof, or of the profite and commoditie thereof, which is hindered or intercepted. A

When the Amplitude and maiestie thereof is harmed, the offence is called treason. B

And these treasons be high treason, or petie treason: High treason is, when thoffence is done against the securitie of the common wealth or of the Queenes most excellent Maiestie, who is the true and vndoubted Soueraigne and chiefe head thereof: whether it be by imagination, word, or deed, as to compasse or imagine Treason, or the death of the Prince, or of the Queene his wife, or his Sonne and heire apparant, or to deflower the Kinges wife, or his eldest daughter vnmarried, or his eldest sonnes wife, or leuie warre against the King in his Realme, or to adhere to his enimies, ayding them, or to counterfeit the Kings great seale, priuy seale, or money, or wittingly to bring false money into this Realme, counterfeited like vnto the money of Englād, and vtter the same. C

Or to kill the Kinges Chauncellor, Treasurer, Justice of thone bench or of the other, Justices in Eire, Justices of Assise, Justices of Oyer and Terminer being in his place and doing of his Office, 25. Ed. 3. cap. 2. D

Forging of the kings signe Manuell, or priuie signet, priuie seale, or forraine coyne currant within this Realme, 2. Mar. cap. 6. E

Diminishing or impayring of money currant, 2. Eliz. cap. 11. & 18. F Eliz. cap. 1.

The second offence in refusing the oath of supremacie, 5. Eliz. cap. 1. G

Or the compassing to depriue the Q. of her crowne, 1. Eliz. cap. 6. H

Or to destroy the Queene, 1. Eliz. cap. 6.

Or to leuie warre within the realme against the Queene, 1. El. ca. 6. I

Or

K Or to affirme that the Queene or the heires of her body, is not or ought not to be Queene of England, or that any other ought, 1. Eliz. cap. 6.

L Or intending the bodily harme of the Q. 13. Eliz. cap. 1.

M Or to leuie warre against the Queene. 13. Eliz. cap. 1.

N Or to moue forreine inuasions of this Realme, 13. Eliz. cap. 1.

O Or to declare, that the Queene is not Queene, 13. Eliz. cap. 1.

P Or to declare that any other ought, &c. 13. Eliz. cap. 1.

Q Or to affirme the Q. to be an Heretike, Scismatike, tyrant, infidel, or vsurpor of the crowne, 13. Eliz. cap. 1.

R Or to claime the crowne after the Queene, 13. Eliz. cap. 1.

S Or to affirme that the common Lawes or statutes cannot binde the right of the crowne, 13. Eliz. cap. 1.

T Or to maintaine the aucthority of the Bishop of Rome, 5. Elizab. cap. 1.

V Or to obtaine any Bull from Rome, 13. Eliz. cap. 2.

W Or to giue, take or promise absolution thereby, 13. Eliz. cap. 2.

X Or to conspire to enlarge any imprisoned by the Queenes commaundement for treason touching her person or suspition thereof, 14. Eliz. cap. 2.

Y Or to withhold any of the Queenes Castels, or holdes, 14. Eliz. cap. 1.

Z Or any of her ships or ordinance of warre, 14. Eliz. cap. 1.

a Or not to render the same Castels, within sixe daies after proclamation, 14. Eliz. cap. 1.

b Or to destroy any of the Queenes ships, 14. Eliz. cap. 1.

c Or to barre any of the Queenes hauens, 14 Eliz. cap. 1.

d Or to perswade any subiect from naturall obedience, or Religiõ: or to the obedience of any other, or to be so perswaded, 23. Eliz. cap. 1.

e Or for Iesuits to come into, or be in this Realme, 27. El. ca. 2.

f Or to be a Seminarie, and not returne into this Religion, within sixe moneths after proclamation, and take the oth of allegeance, 27. Eliz. cap. 2.

g It is also to be noted, that al maner of accessaries to the seueral treasons aboue mentioned, are guilty of high treason.

h Or of misprision of treason, which is the concealment or not disclosing of knowen treason: for which thoffendors are to suffer imprisonment during the Queenes pleasure, loose their goods, and the profite of their lands during their liues, 2. R. 3. fol. 9.

Offences hindering the commoditie of the common wealth.

A NOw succeed thoffences which hinder the commoditie of the cõmon wealth. Sect. 64.

The profite of the common wealth is hindered diuers waies, as by B
forestalling, engrossing, regrating, by idlenesse of apprētices, artificers, and seruants, decaying of the breede of beastes, destroying of fish, by cō-spiracies of artificers and chapmen, by not destroying of vermin, as Fores, Bawsons, Crowes, Choughes &c. Or by making or vttering any stuffe, victuals, or wares deceitfull, corrupt, or insufficient, by not obseruing due weights, & measures, or by transporting of things needfull in England, as rawe hides tallow, wooll, lead, corne or graine, by erecting of cotages, and breeding of exceeding many poore people, and by sundry other meanes, as plainly appeareth by sundry statutes and ordinances made for reformation therof. Of all which particularly to discourse, would occupie more time then I haue now determined to bestow about the same.

Forestalling, is the buying or bargayning for any victuals or C
wares, comming to be sold towards any faire or market: Or from beyond the seas towards any citie, port, hauen, creeke, or rode of this Realme, and before the same be there.

Or the mouing of any person to enhaunce the price of the same vic- D
tuals or wares, or the disswading to bring it thither to be sold, 5. Ed. 6. cap. 14. 5. Eliz. cap. 12. 13. Eliz. cap. 25.

Regrating, is the buying and selling of any wares or victuals in the E
same market, or faire, or within foure miles thereof. 5. Edw. 6. cap. 14. 5. El. ca. 12. 13. Eliz. cap. 25.

Engrossing, is buying of Corne growing, or dead victuall to sell F
againe: except barly or malt, Dates for Oatmeale, and victuals to retaile, badging by licence, and buying of Oyles, Spices, and victuals, other then fish and salt. 5. Edw. 6. cap. 14. 5. Eliz. cap. 14. 13. Eliz. cap. 25.

Offences against Subiects.

Sect. 65. In these fewe, haue we touched such offences as immediatly, and al- A
waies are committed against the common wealth it selfe: now will we intreat of those which alwaies for the most part are perpetrated violently against the inferiour members of the same (that is to say) either priuate men themselues, or their goods, which are effected partly by force, and partly without force.

Force is an offence by which violence is vsed to thinges or per- B
sons.

And force is either simple or mixt. C

Simple force is that which is so committed, that it hath none other D
crime adioyned vnto it. As if one by force onely entreth into another mans possession, without doing any other vnlawfull act there.

Mixt force is that violence, which is committed with such a fact, as E
of

of it selfe onely is criminall: as if any by force enter into anothers possession, and kill a man, or rauish a woman there &c.

F And those offences which are atchieued with force, are done by true force, or by force after a certaine sort.

G Those offences which are finished by true force, are either done by men assembled, or without men assembled.

H And force with men assembled is priuate or publike.

I Priuate force is when any with weapons by men assembled, doth inuade the goods or body of another, As trespas by entring into ground, or taking his cattell, or other goods, imprisoning of a mans body, or beating of him with ones fist, or rescues of a trespas, pound breach, or otherwise without weapon and such like.

K Publike force is that violence which is done by any men assembled with any kinde of weapon whatsoeuer, as by forcible entree, keeping of possession of Benefices, Chappels, houses, or lands, or offices, vnlawfull assemblees, routs, riots, rebellions against &c. 1. Mar. cap. 12. 1. Eliz. cap. 17.

L A forcible entree is a violent actuall entree into a house, or land &c. or taking a distresse of any person weaponed. Whether he offer violence or feare of hurt to any there, or furiously driue any out of the possession thereof, 5. R. 2. cap. 7. 15. R. 2. cap. 2. 8. H. 6. cap. 7.

M A forcible deteyning or withholding of a possession, is a violent act of resistãce by strong hand of men weaponed with harnesse or other action of feare in the same place or els where, by which the lawfull entree of Iustices or others is barred or hindered, 29. Ass. 49.

N An vnlawfull assemblie, is the meeting of three, or mo persons together, with force to commit some vnlawfull act, and abiding still, not indeuoring the execution thereof, as to assault or beate any person, or enter into his house or land &c.

O A rout is an assembly of three persons or mo, going on about forcibly to committe an vnlawfull act, but yet doe it not. Brooke tit. Riot, 4. 5.

P A Riot is the forcible doing of an vnlawful act by three, or moe persons assembled together for that purpose.

Q A rebellious assembly, is an assembly of twelue persons or moe intending, going about, practising, or putting in vre vnlawfully of their owne authoritie to chaunge any Lawes, or Statutes of this Realme, or to destroy thinclosure of any Parke, or ground inclosed, or the bankes of any fishponds, pale, or conduit, to thintent the same shall remaine void, or to the intent vnlawfully to haue common or way in any of ỹ said grouñds, or to destroy the Deare in any parke, or any warren of Cunies, or douehouses, or fish in any pond, or any house, barnes, milles,

or baies, or to burne ſtackes of corne, or to abate rents, or prices of victuals, 1. Mar. 12. cap. 1. Eliz. cap. 17.

Alſo by the ſame ſtatutes an vnlawfull aſſembly may be of perſons aboue the number of two: but that offence is neither ſo heinous, nor ſo ſharply to be puniſhed. R

It followeth how force may be committed without a multitude. This kind of force comprehendeth euery harme, hurt, damage, loſſe, hinderance, and danger beſides death, happening to any good, quicke or dead, moueable or vnmoueable, or to men, eyther culpa or dolo, that is negligently or vnwittingly, or guilefully or of ſet purpoſe, whether it be aſſaulting, beating, wounding, maiming, or hurting, bruſing, or impairing of the body of man or beaſt by any meanes: Or the bruſing, breaking or empairing of any other thing whatſoeuer without a multitude, alſo breaking of priſons, to eſcape thence, breaking of houſes to ſteale ſomething thence, or to do ſome felony there, which being in the night is termed Burglary, whereof we haue ſpoken before entreating of theft, In this ranke alſo may be placed the pulling vp or remouing of meares, boũds, or markes, ſet for the deuiding of one mans land from anothers, and many other ſuch treſpaſſes wherein is none apparant force or terror, as to hawke, hunt, fiſh, or fowle, or to cut, eate, tread or foile graſſe in another mans ſoile vnlawfully, 11. Aſſ. 16. 11. H. 8. 4. 16. 21. E. 3. 34. S

Hitherto of offences done by true force indeed: now of ſuch as are not properly done with force & violence, but by intendment of the law onely: of which ſort be bribery, extortion, exaction, priuate impriſonment, and certeine other like miſdemeanors. T

Thoſe offences of briberie, extortion, and exaction, are committed when any for feare of his iudgement, office, or other power, or authoritie, or for any other terror exacteth, extorteth, and wringeth money or other things from another man, as Sherifes, Coroners, or other Officers, Auditors, Receyuers, Eſcheators, cuſtos breuium, Chirografers of fines, Admirals, Marſhals, Criers, Maiors, Baylifes, Clarks, Wardens of felowſhips, Iudges, Biſhops, Ordinaries, or other Officers whatſoeuer for reformation of which, ſee the ſeueral ſtatutes therof, in that behalfe prouided. V

To this crew as it ſeemeth, may be referred the exaction of vnlawfull vſurie: which is taking of any thing of any man for the lone, or giuing day of payment of money, 37. H. 8. cap. 9. 13. Eliz. cap. 10. X

And all vnlawfull games, which be all games, but ſhooting, 33. H. 8. cap. 9. Y

And euery other taking of more then is due by colour or pretence of right, as the taking of exceſſiue toll by millers, or others, or of exceſſiue Z

prices

prises for ale, bread, victuals, wares or other things.

Offences springing from words and deeds.

A SO much then of single offences, springing from only words, or one- Sect. 66.
ly deeds. Now follow those which issue from both together, as those which arise from the crime of falshood.

B The offence of falshood is a guileful and fraudulent imitation of the truth against the law, and it is committed either by word or by deede.

C Falshod by word, is by lying, as if any man should faine vnto himselfe a false name or surname, or say, he is another man then he is, to deceiue some other: or by periurie which is a lie affirmed by oath.

D Falshood by deed is as if a man write or signe a false testament, or falsly set downe therein some legacie or trust to himselfe, without the mind of the testator, or if a man make a false deed, or accompt, or other instrument, or if he bribe or corrupt a Iudge, or do raze, change, or corrupt any writing, to the defrauding of another man, or do conuey, remoue, or take away, suppresse, conceale, or falsly signe a testament or counterfait an other mans hande in writing, or to counterfait or vtter false money, or to adulterate, embase, shaue, file, clippe, wash, or empaire the currant coine of England, or counterfait the lands of magistrates, and certificates testimonials, or licences in their names, or to vse false weights, measures, or standards not agreeable with the standard. To corrupt or suborne false witnesses. To make false accompts or reckonings.

E Hitherto may we referre maintenance, and champerty and suits, embracing or enueigling of Iurors, forging of false and fraudulent writings, making of fraudulent feoffements, leases, & deeds of gift, or rather false graunts, or conueiances of lands or goods, to defraud true creditors, fraudulent conspiring of any mans death, to auow & vndertake vpon one to defend other mens quarrels, to be patron to the causes of others, by lending of ones name for meed, or fauour, of an offendor, or to vexe, prouoke, or reuenge.

F Also falsly to collude in pleading, or to betray, or to loose his clients cause wittingly, or falsly discontinue & forsake his clients suite.

Other mens offences, and how farre they bind vs.

A WE haue intreated of our owne offences: other mens succeed, Sect. 67.
namely, when, and how farre we are bound by them.

And we are bound by other in offences, whē we are tied by the faults of our family, or of our beasts.

Our family offendeth by lying, or casting, or hanging of any thing in the

the high way, whereby it is stopped or hindred: which offence is called a Nusance.

We are bound by many trespasses of our wiues, but not to sustaine corporal punishment for their offences. D

Also if our beasts or cattel offend in eating other mens corne or grasse, or in hurting or killing the beasts, or cattels of others, we are bound by it, or if our dogges, beares, or lyons, bores, &c. hurt the goods or cattel of any other, we are bound thereby, for that we ought to gouerne them. E

Offences vnnamed.

Sect. 68. Nough of named offences, it remaineth that we view those which be vnnamed. A

For when the varietie of offences grew so manifold, that all could not be distinguished by speciall names, it was appointed that proper or special names aforesaid, failing, the offence of cosening, and deceipt, should come in place.

Thoffence of cosening taketh place, if any thing be done by guile in, or out of contracts, which wil not agree with any of the said offences, as if any vse collusion or fraud towards the death, or defrauding of another, shifting or counterfait ware into the place of others: or to exact a greater summe then is due, or a debt which is paid, or sel, or pledge any thing to two, seuerally at one time, or that thing which is another mãs for his owne, knowing it to be another mans: or to pledge copper, or other base mettall for gold, or siluer &c. B

Deceit is a subtil wilie shift or deuise hauing none other name. Hereunto may be drawen al maner of craft, subtilty, guile, fraud, wilinesse, sleightnesse, cunning, couin, collusion, deceit, deuise practise, & offence vsed to deceiue an other man by any means which hath none other proper or particuler name but offence. C

Of Indictments as remedies for the former diseases.

Sect. 69. Thus haue we rather sleightly shadowed, then perfectly portraied the vglie shape of such enormous offences, as with their deformity most blemish the bodie of our beautifull, (otherwise flourishing) common wealth. Now therefore we are to show the waies how to prepare remedies for the same, which must be done by indictmẽts, in which are chiefly to be eyed the matter and forme. A

The matter or obiect of indictments in nothing else but the seuerall offences and facts vnlawfull, before described, in which the very fact it selfe and the circumstances thereof are to be waighed. B

Touching thoffence or fact it selfe, we are here fully to regard the verie nature & qualitie of thoffence, as whether it be treason, felonie, tres- C

passe,

passe, deceit, or some other offence, & of what seueral kind it is, & whether it be punishable by the common law, or by some penal statut, that the indictment thereupon may be framed accordingly.

D The circumstances of the fact are seuen, that is to say, cause, person, time, place, qualitie, quantitie, and euent.
Touching the cause of thoffence we are to waigh whether thoffence be of cause iust or vniust: whether by chance or of malice & purpose, or vpon a sudden, or by negligence, or by guile, which maketh some homicides lawful, some punishable, and that in seueral degrees.

E The person is in two sorts to be regarded, that is, as he is agent or patient. For it is not all one for infants and men of full age, and for men Mad, Lunatickes, and Idiots, to offend. And otherwise in many cases are they to be punished which offend God, the common wealth, Magistrates, or their Maisters and superiours, then they which offende others.

F The time also in offences maketh difference betweene offences, as in Larceny and burglarie.

G The place in like maner maketh the selfe same fact either theft, burglarie, or sacrilege.

H By the consideration of the qualitie we discerne whether an offence be hainous or not, & whether it stand in committing or omitting.

I The view of the quantitie of thoffence shewed vs whether it be punishable by death or otherwise, & if by death, what maner of death, and regardeth the custome, or iteration thereof.

K The euent looketh to the final cause, purpose, or issue, of the fact, whether it be casuall, or voluntarie.

L All which circumstances, are partly seene before, in the verie handeling of the offences: now let vs looke more specially into the forme of the indictment.

Of the forme of Indictments.

A IN the forme of euery Indictment, besides the ordinarie wordes of forme, precise certenty to euery intent is to be as warily looked vnto, as in declarations in ciuil suites & returne of Sherifes, 3. H. 7. fol. 11. & 12. 3. Ed. 4. 21. otherwise is the Indictment insufficient, for Indictments and appeals be the very base and foundation of euery criminall controuersie. Sect' 70.

B This certentie consisteth, first in the name and surname of the partie indicted, both principal and accessorie.

C 2. In the certain name and surname of the partie offended.

D 3. In the certeinty of time, wherein the offence is done, as the certeine day, yere, yea, and many times the very houre is expressed.

4. In

4. In the place where thoffence is perpetrated. E
5. In the very matter of the fact, & nature of thoffence committed, as F
whether it be treason, felony, trespas, deceite, penal statute &c.
6. In the name & value of the thing, in which thoffence is done. G

Unto the name of the partie indicted must be vnited the addition of H
his estate, degree, or misterie, & the shier, & towne hamlet, or place of his
then, or late dwelling or cõmorans: all additiõs which signify any law-
ful estate, degree, or mistery, are good: whether they be of dignity by cre-
ation, as Duke, Marques, Earle, Vicont, Archbishop, Bishop, knight,
seriant at the law: or without creation, as Baron, Esquier, Gentlemã,
which are names of dignity without creation. Also Alderman, Doctor, I
Archdeacon, Deane, Parson, Parish clarke, Widow, singlewoman, be
good additions of estate or degree: but fermour, seruant, butler, &c. are
not, for that they are common to gentlemen, yeomen &c. & so incertein,
marchant, grocer, tailer, shoomaker, tanner, currier, broker, husband-
man, ostler, habberdasher, miller, draper, goldsmith, butcher, chapman,
labourer, spinster, and euery other addition of any lawful occupations,
be good additions of misterie. But neither Chancelor, Treasorer, Chã- K
berlein, sherife, corroner, elchetor, bailife, archdeacon, deacon, prebenda-
ry, parson, nor such other names of dignity by reason (onely of office) are
good, but where such persons be charged for offence, by reason of their
offices: nor citizen, for it neither nameth any mistery, art, nor degree:
neither extorcioner, bankrupt, rogue, vagabond, vsurer, heretike, scisma-
tike, dicer, bowler, carder, nor such like, being against the Law. If the L
place whereof thoffendor is or was, be an hamlet, & there be diuers ham-
lets in one towne, he may be named either of the towne or hamlet: but if
it be only a place knowen a towne, and not an hamlet, he must be named
of the towne, 13. H. 6. fo. 30. if the towne where the offendor dwelleth
beareth one selfe name with the parish, he may be named of either: but
if there be 2. townes of one name, in one parish, he ought to be named of
the parish 4. E. 4. fo. 129. 22. E. 4. fo. 22. & 22. H. 6. fo. 41. Alias dictus in M
Indictments is not necessary. The addition of the degree or mistery must
be such, as the party hath at the very time of thindictments: but he may
be termed nuper of any place wherof he hath bin at any time before, but
it is best to name him of ỹ place of which he is or last was thus: Iuratorꝰ
pro dña reg' presentꝫ qꝫ I. S. nuper de D. in coñ Essex husbandmã &c. And N
further, the time of thoffence committed must be thus set downe, as in
personal actions 5. die Feb. anno regni dñæ nostrꝫ Eliz. dei gratia Angl'
&c. And in some indictments, as of murder, & burglary, the very hower
is to be expressed, as hora 6. ante merid' (if it were before noone) & post
merꝫ (if it were after) eiusdẽ diei: if thoffence be committed after noone
and before midnight, it must be laid in the same day: if after midnight,

and

and before sunne rising, then in the day following: and if the time be expressed by the yere of our Lord God (as it may be) then the yere beginneth with vs euermore vpon the 25. day of March: but in Indictments which present that a thing is omitted, or not done, there needeth no time of the not doing or omission thereof be set forth, as that a ditch was not skowred, by meanes whereof meadowes be ouerflowen, and such like.

O If a man be stricken or poisoned in one countie, & dieth thereof in another countie, thindictment may be in the countie where the death happened 2. & 3. Eliz. ca. 24. and if one become accessary in one County to a murder or other fellony done in another, he may well be indicted in the

P countie where he was accessary. He which robbeth in the county of D. & is taken with the maner in the county of S. may be indicted of theft where he is so apprehended, but not of robbery, but in the countie where

Q thoffence was done. The place is thus to be set downe apud B. in comit C. For it is not good to say in com̃ prædict' referring to the name of the countie written in the margent of thindictment: and the place of the offence is sometime more specially set downe thus, apud B. in com̃ C. in quodam loco ibidē vocat̄ the northclose &c. also it is to be regarded, that if a countie be deuided into seuerall diuisions, so that those which be Justices in one diuision, be not Justices in another diuision thereof, as the countie of Yorke, which is deuided into 3. deuisions, called ridings, as the westriding, eastriding, & northriding: it is requisite that it be expressed in thindictment, in which of the diuisions or ridings thoffences happened, as apud R. in Westriding in com̃ Ebor̄ in quodam loco ibid' vocat̄ the lodge &c. for the Commissions, whereby the Justices of peace in such ridings are ordeined, haue in them such words, as follow, viz. Sciatis quod assignamus vos coniūctim & diuisim, & quemlibet vestrū Iustic' nr̄os ad pacem nostram in partibus de Westriding in com̃ nostro Eborum conseruandam &c. Mandamus enim tenore presentium vic' nostro Eborū quod ad illos dies & loca, que vos vel aliqui hm̃odi duo vel plures vr̄m, vt præd' est, scir̄ feceritis venire coram vobis vel hm̃di duobus vel pluribus vestrum, vt dictum est, tales probos & legales homines de partibus prædict' tam infra libertates quam extra, per quos rei veritas in premissis melius sciri poterit & inquiri &c. So that the power of such Justices extendeth no further then to those ridings onely in which they bin so made Justices, and therfore what is by them done otherwise is coram non Iudice, and void.

R Albeit the name of the person to whom thoffence is committed be in many cases required, yet an indictment quod defendens bona & catalla cuiusdam ignoti felonice cepit &c. in theft: or quendam ignotum felonice depredauit &c. in robbery, is good for the Queenes aduantage of the forfaiture thereby accrewing, so is it as it seemeth quod vi & armis

&c.

&c. insultum & affraiam in quendam ignotum fecit &c. Dier fol. 99. pag. 61. & 285. p. 38. But if the goods of a Church be taken away, S
the Indictment must be quod bona parochianorum in custodia gardianorum Ecclesiæ de C. existen ceperunt, & asportauerunt &c. if the goods of a man be taken, who maketh his executors and dieth, the Indictment must be, bona testatoris &c. but if they be taken after the testators death, it shall be bona testatoris in custod' execut existen &c. A grauestone is de bonis Ecclesiæ, coate armour hanged ouer a tombe, be the goods of the dead mans executors: goods taken from one, are the goods of the trespasser, vntill the owner haue recontinued his property: goods bailed, are said bona, of the owner in custodia balliui. The T
names of things in which the offēce is committed ought also to be certeinly mencioned, in Indictments, dead things may be called, bona & catalla, expressing their names certeinly, as appeareth hereafter: but of liuing things we must not say: bona & catalla, but vnum equum, or 2. equos & ouem, bouem &c. And the value of those things in which of- V
fences are committed is vsually compriſed in Indictments, which seemeth necessarie in theft to make a difference from petie Larceny, & in trespas, to aggrauate the fault & increase the fine, but no price of things feræ natuf may be expressed, as of deere, hares, &c. if they be not in parks or warrens, which is a liberty 8. E. 4. fo. 5. nor of Charters of land. And W
where the number of the things taken are to be expressed in the indictment, as of yong doues in a douehouse, yong hawkes in a wood, there must be said precij, or ad valentiam: but of one liuing thing, or of one dead thing onely it is precij, and not ad valentiam, but of diuers dead things ad valentiam, & not precij. Of coine not currant, it shalbe præcij but of coine currāt shal neither be said precij, nor ad valentiam, For the price and value therof is certein, but of counterfait coine, shalbe said ad valentiam, & in counterfaiting of coine shal not be said x. li. libras in denarijs dominæ Reginæ, nor in pecunia dominæ Reginæ, but ad instar pecuniæ dominæ Reginæ.

The verie maner of the fact or deed it selfe, and nature of the offence X
must also be mentioned in the indictment, as in escape, for prison breaking, must be expressed, for what felony the offendor was apprehended, & imprisoned. And for counterfaiting of money must be shewed to what the counterfait is like, as groats, shillings, &c. And in murder and manslaughter, the stroke whereof death ensued, Dyer fol. 99. pl. 63. And for slanderous words against the Queene, the very words must be certeinly set downe. And for entrie, into house, land or tenements must be expressed, what maner of house, lands or tenements, as a messuage, a cottage, arable land, medow, pasture, or wood. And where in any Indict- Y
ment, seuerall acts be said to make vp thoffence which may be done at

seue-

ral times and places, both the times & places must be certeinly exprest ed, as in murdar & manslaughter, thassault and the striking, as apud B. in comitatu E. &c. in quendam I. S. insultum fecit, & ipsum I. S. cum quodã gladio precij &c. adtunc & ibid' felonice, & ex malitia sua præcogitata pcussit & murdrauit. And in theft, the thing stollen must certenly be laide downe, 22. Ass. pla. 75. & 29. Ass. 45. And an Indictment against an accessarie, must shew what felony the principal committed, and that knowing it, receiued the felon feloniously, 7. H. 6.

Z Touching the seueral natures of seueral offẽces, it is to be noted, that in Indictments of treasons, the fact must be necessarily said to be done, proditorie: of murder, murdrauit: and of manslaughter, and all other felonies, the deed must be said to be done felonice, and in burglary, Burglariter, or intentione ad felonam siue murdrum faciend' &c. in rape felonice rapuit, in theft, felonice cepit & asportauit, if it be a dead thing: if liuing, abduxit, or felonice furatus est. In petie Larceny and maime, must also be said, felonice.

* And notwithstanding the statute of 37. H. 8. ca. 8. it is not amisse in euery indictment conteining felony or trespas, to vse the wordes (vi & armis (viz. gladijs, baculis, cultellis &c. And in a Forcible entre vpon the statute 8. H. 6. ca. 9. must be manuforti &c. or cum multitudine gentiũ &c. And in an Indictmẽt found vpon statuts, it seemeth not needful to recite the statute verbatim, as hath bin heretofore vsed, and namely, if the statute be general 5. H. 5. 11. 30. ass. 38. But fully & certeinly to describe thoffence against the tenor of the same statute. And then conclude with these words. Contra formam statuti in hũmodi casu prouisi & æditi: If there be onely one statute of that offence: but if there be diuerse cõcerning the same, then the conclusion must be, Contra formam diuersorum statutorum in hũmodi casu æditi & prouisorum &c.

¶ And it is specially to be noted that in Indictments grounded vpon penal statuts (other then for tillage) giuing the penaltie to the Queene onely, may be exhibited at any time within two yeres after the offence. But if the benefit be to the Prince & another persõ, it ought to be sued for such person and the Prince within one yere. And for the Prince alone within three yeres, if shorter time be not in that behalfe limited in such Penal statutes, 31. Eliz. cap. 5.

* But the formes of Indictments will best appeare in the following examples, which for the Readers ease I haue here Alphabetically set downe as ensueth.

For keeping an Alehouse or Tiplinghouse.

A Iuratores pro Domina Regina presentant, quod A. B. de C. in dict' comitatu E. yeoman, vicesimo die mensis Octobris, Anno regni domiñ nostræ Sect. 67.

noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. Triceſimo, & continue multis diebus poſtea, viz. vſque primum diem dicti Octob. Annō ſupradicto, apud C. prædict' in comitatu prædicto, obſtinate atque ex auctoritate propria ipſius A. B. ſine vlla Iuſticiariorum pacis dictæ dominæ Reginæ in comitatu prædicto admiſſione aut allocatione, aſſumpſit ſuper ſe cuſtodire, & cuſtodiuit vnam communem Tabernam (Anglice vocatā a common Tipling houſe) & ibidem dicto viceſimo die, & dictis diebus tum poſtea, communiter & publice vendidit ceruiſiam, & potum (Anglice dictum Ale and Beere) diuerſis dictæ dominæ Reginæ ligeis & ſubditis. In dictæ dominæ Reginæ contemptum, ac contra formam cuiuſdam ſtatuti, in parliamento domini Edwardi nuper Regis Angliæ ſexti, tento apud Weſtmon Anno regni dicti domini Edwardi quinto, in huiuſmodi caſu prouiſ. & editi.

For ſilke in a Cappe.

Sect' 72. IVratores prō Domina Regina præſentant, quod A.B. de C. in dicto Comitatu Tailor, natus infra hoc regnum Angliæ, videlicet, apud C. prædictam, ſed filius aut hæres apparens alicuius militis, aut filius hominis altioris gradus non exiſtens, nec potens expendere per annum viginti libras, in terris, tenementis, feodis, officijs, aut alijs annuis reuentionibus, pro termino vitæ ſuæ: nec valens ducentas libras de bonis ſuis proprijs: nec vnquam Maior, Balliuus, Aldermanus, aut capitalis officiarius in aliqua Ciuitate, burgo, aut villa corporata exiſtens, nec dictæ dominæ Reginæ ſeruiens in ordinario (vtens dictæ dominæ Regine liberata) exiſtens: 20. tamen die Octobris, anno regni dictę dominæ noſtræ Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hibernię Reginæ, fidei defenſoris, &c. Triceſimo, apud C. prædictam in comitatu præd', per totum dictum 20. diem Anno ſupradicto, interiore parte cuiuſdam pilei ſui (Anglice vocati a Cap, quodam ſerico (Anglice dicto Taffata) (ad valorem 2. ſolidorum) illicite & palam vſus eſt: contra formam cuiuſdam Statuti, in parliamento Philippi & Mariæ nuper Regis & Reginæ Angliæ, tento apud Weſtīn in coīn Midd', Annis regnorum ſuorū, primo & ſecundo, in huiuſmodi caſu prouiſi & editi. A

For vſing the Art of a Mercer againſt the Statute of Anno quinto of the Queene.

Sect. 63. IVratores pro domina Regina preſentant, quod A.B. de C. in comitatu E. Mercer, viceſſimo die menſis Maij, Anno regni dictæ dominæ noſtræ, Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ, fidei defenſoris &c. Triceſimo primo, & multis alijs diebus continue poſt dictum diem per ſpacium duorum menſium, extūc proxſequent', videli- A

videlicet, vsque tricesimum diem Iulij, anno supradicto, apud C. prædict̃ in comitatu E. predicto, quandam artem, siue mysterium (Anglice dictum Mercerie) illicite pro lucro suo proprio vsitauit et exercuit: tunc ibidem vendendo diuersas merces (Anglice vocatas Mercerie wares) diuersis dicte dominæ reginæ ligeis & subditis: vbi reuera idem A.B. nunquam fuit in dicta arte siue mysterio educatus, tanquam apprenticeus per spacium septem annorum, nec idem A. B. eandem artem (siue mysterium prædictum) 12. die Ianuarij anno regni dictæ dominæ nostræ reginæ nunc quinto vsitauerit, aut exercuerit: In magnum dictæ Dominæ reginæ contemptum, ac contra formam cuiusdam Statuti, in Parliamento dictæ Dominæ reginæ nostræ nunc, tento apud Westmonast' Anno regni sui quinto, in hoc casu prouisi ac æditi, vt supra dict'.

An Indictment vpon the Statute of An. 1. Mar. cap. 12. for the assemblie of 12. persons assembled togeather, to the intent to cut downe a conduict head and staying there 3. howres after proclamation made that they should depart.

A IVratores pro domina regina, prẽsentant, Quod primo die mensis Octobris, Anno regni dñæ nostræ Elizabethæ, Dei gratia, Angl', Franciæ, & Hybernię Reginæ, fidei defensoris &c. Tricesimo quinto A. B. C. D. E. F. And so reciting vii. persons at the least, with their additions of occupations & dwellings, apud quendam locũ infra parochiã de O. in comitatu E. pred', (Anglice vocatum le old Court) inter horas decimam et vndecimam ante meridiem eiusdem diei, vi & armis, tam inuasiuis, quam defensiuis, videlicet, gladijs, pugionibus, Baculis, arcubus, sagittis, tunicis ferreis, et tormentis, seipsos congregauerunt, et assemblauerunt: Ac tunc & ibidem intenderunt, conati sunt, practicauerunt & in vsu posuerunt, vi & armis, illegitime, et ex auctoritate sua propria, secare, et prorsus euertere, prosternere ac destruere quoddam caput vnius aquæ ductus (Anglice vocatum a conduit head) tunc ibidem in fundo cuiusdam R. S. de O. pred', in comitatu predicto generosi existens, et cursum aquę in ipso habens, ea intentione, vt idem caput aquæ ductus prędicti ex tunc apertum & vacuum remaneret ac iaceret: Et vlterius, quod super quærimonia inde facta coram T. W. vno Iusticiariorum pacis dictę Dominæ Reginæ in comitatu E. predicto, omnes & singuli predicti A. B. C. D. E. F. &c. tunc et ibidem per eundem Iusticiarium requisiti sunt ac iussi (per proclamationem in nomine dictæ dominæ Reginæ tunc & ibidem per eum palam factam) ad habitationes, loca, & domos suas (vnde venerant) se inde in pacifico modo retrahere, retirare, discedere et reuerti: quæ quidem proclamatio tunc ibidem modo & forma sequentibus, habita & facta est, viz. Sect. 74.

prædictus T.W. Iusticiarius tunc ibidem fecit alta voce vnum Oyes, ac tunc ibid' immediate hæc verba anglicana sequentia palam, & alta voce pronunciauit, dicens scilicet, The Queene our Soueraigne Ladie chargeth, and commaundeth all persons (beyng assembled) immediately to dispers themselues, and peaceably to depart to their habitations, or to their lawfull businesse, vpon the paines conteined in the act lately made against vnlawfull and rebellious assemblies: And God saue the Queene. Et vlterius, Iurarores predicti dicunt, quod non obstante dicta proclamatione modo & forma prædictis per præfatum Iusticiarium tunc ibidem facta & habita, ijdem tamen omnes & singuli prædicti A.B. C.D. E.F. &c. in dicto loco vocato le old Court infra parochiam de O. predicta in dicto comitatu E. per spacium duarum horarum, immediate & continue post dictam proclamationem sic vt præfertur factam & habitam sequentium, seditiose & felonice insimul remanserunt & continuauerunt, in magnum dictæ Dominæ reginæ contemptum, ac contra pacem, coronam, et dignitatem suas, necnon contra formam diuersorum Statutorum in huiusmodi casu prouisorum & editorum.

The proclamation.

There staying after the proclamations 2. howers.

Against a Barrettor.

Sect. 75. IVratores pro Domina Regina præsentant, quod A.B. de C. in comitatu E. Tailor, secundo die Octobris, Anno regni dictæ Dominæ nostræ Elizab', dei gratia Angl', Franciæ, & Hyberniæ Reginę, fidei defensoris &c. Tricesimo quarto, apud C. predictam in comitatu E. prædict, fuit, & adhuc est cõmunis Barectator, & pacis dictæ Dominæ Reginæ perturbator assiduus & publicus, necnon communis ac turbulentus calumniator, conuiciator, pugnator, & litium inter vicinos suos seminator, adeo vt diuersas lites, controuersias, necnon iurgia, & pugnas adtunc ibidem, et alibi in dicto comitatu E. inter diuersos dictæ Dominæ Reginæ ligeos & subditos, mouit, procurauit, & excitauit: In magnam dictæ Dominæ Reginæ pacis perturbationem, ac contra formam diuersarum ordinationum ac statutorum huius regni sui Angl', in huiusmodi casu antehac prouisorum ac editorum. A

Against a Barrettor.

Sect. 76. INquiratur pro domina Regina, si R.E. nuper de G. in com̃ D. yeoman, xx. die &c. apud G. præd' in comitatu prædict, fuit & adhuc est communis barectator, & pacis dictæ dominæ Reginæ perturbator, & oppressor vicinorum suorum, & al' ligeorum dictæ dominæ Reginæ in com̃ D. prædicto, ac communis malefactor, calumpniator, & seminator litium & discordiarum inter vicinos suos predict, ad magnum dispendium, grauamen, & perturbationem vicinorum prædict, & aliorum fidelium ligeorum dictæ Dominæ in com̃ D. præd', contra ordniationes, leges & statuta huius regni Angl' in huiusmodi cas, edit & prouisas A

uiſ. ac contra pacem dictæ dominæ Reg. coronam &c.

For an Affray made at the time that the aſſiſes and Gaole deliuery is holden before the Iuſtices of the aſſiſe.

A INquiratur pro domina Regina, ſi C.P. & W.C.&c. vi & armis vi- Sect.77.
delicet,gladijs,ſcutis, & pugionibus apud C.prædict arraiat & illicite congregat, tempore Aſſiſarum dictæ dominæ Reginæ, adtunc apud C.predict tentatum,necnon infra precinctum eiuſdem villæ, R.W. & R.H. earundem Aſſiſarum Iuſticiarijs, ac Iuſticiar dictæ Dominæ Reginæ ad gaolam de I. in eodem comitatu de priſonarijs in eadem exiſtentibus deliberand' aſſign,circa deliberationem eiuſdem gaolæ tunc apud C. predict exiſtentibus,inſultum & affraiam inuicem fecerunt,ad magnam perturbationem curiæ dictæ dominæ Reginæ, ac Iuſticiariorum ſuorum predict tunc & ibidem exiſtent, ac in terrorem & perturbationem diuerſorum ſubditorum eiuſdem Dominæ Reginæ tunc & ibidem exiſtent, & in malum & perniciоſum exemplum omnium ligeorum dictæ dominæ Reginæ, ac contra pacem dictæ Dominæ Reginæ,coronam & dignitatem ſuas &c.

For an affray and beating of one at the time of the aſſiſes and gaole deliuerie, holden before the Iuſtices of aſſiſe.

A INquiratur ſi F.F. &c.vndecimo die &c. vi & armis &c. Iuſticiar di- Sect.78.
ctæ dominæ Reginę ad Aſſiſas in comitatu predicto capiend',necnō ad gaolam eiuſdem comitatus apud W. in eodē comitatu deliberand' aſſignī,adtunc iudicialiter ſedent & exiſtent in quendam W.C.in pace dei & dictæ Dominæ Reginæ apud W. prædict exiſtent,ex malicia ſua prȩcogitata inſultum fecit,& ipſum W. cum quodam gladio quem idē F.in manu ſua dextra adtunc & ibidem habuit & tenuit, percuſſit ſuper caput ſuum,dans eidem W.C. diuerſas plagas,per quas ipſum W. in magno periculo vitæ ſuæ poſuit, ita quod de vita ſua deſperabatur,in magnum iuſticiæ & legum huius regni Angl' contemptum, & pernitioſum exemplum aliorum, ac contra pacem dictæ Dominæ Reginæ coronam & dignitatem ſuas &c.

Or thus.

A INquiratur pro domina Regina, ſi O. P. &c. decimo, apud T. præ- Sect.79.
dict in comitatu F. prædicto, tempore Aſſiſarum, & generalis gaolæ deliberationis adtunc & ibidem tent,& ſedent adtunc & ibidem Iuſticiar dictæ Dominæ Reginę ad aſsiſ. capiend', necnon ad gaolam dictæ dominæ Reginæ caſtri de T.predict in coīn predict deliberand' aſſignatis,vi & armis,& ex malicia ſua præcogitata,in,& ſuper quendam I.C.nuper de S. in comitatu D. yeoman, in pace dei, & dictæ dominæ Reginæ adtunc & ibidem exiſtent, inſultum & affraiam fecit,& ipſum

verberauit, vulneráuit, & maletractauit, & prefatus O. adtunc & ibidem cum quodam gladio valoris iij. solid' & quatuor denarior, quem idem O. in manu sua dextra adtunc & ibidem habuit & tenuit, predict Iohãnem C. adtunc & ibidem percussit & pupugit, dans eidem I.C. adtunc et ibidem quoddam vulnus siue quandam plagam in latitudine vnius pollicis, & profunditate quatuor pollicum, ita quod idem I.C. de vita sua maxime periclitabatur, in magnam perturbationem tam predictor Iustic' dictæ Dominæ Reginæ, adtunc et ibidem in cur predict sedẽ, quam totius populi, et ligeorum subdit dictę Dominę Reg' de predict com̃ S. adtunc et ibidem confluenc' et attendenc', ac in magnum contemptum dictę Dominæ Reg, ac in Iusticiæ ibid' exequend' et administrand' retardationem manifest' ac contra pacem dictæ Dominæ Reginæ, coronam & dignitatem suas &c.

For buggerie committed by a minister being an Italian borne in the citie of Rome, with a boy of xv. yeares old.

Sect, 80. IVratores pro domina Regina presentant, quod A. B. nuper de C. in A dicto comitatu E. clericus (et alienigena in ciuitate Romana Italiæ natus) decimo die Martij, vi & armis, apud C. predict in comitatu predicto, Anno regni Dominæ nostræ Elizabethę, Dei gratia Angl', Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo, in quendam I.S. de C. pred' in dicto com̃ E. puerum masculum (ætatis non amplius quindecem annorum, ac tunc ibidem in quodam loco vocato le Arbre, in pace dei & dictæ dominæ Reginæ existentem) insultum fecit, ac cum dicto I.S. puero predicto sceleratissime, felonice, ac contra naturæ ordinem, tunc ibidem rem habuit veneream, dictumq; puerum carnaliter cognouit, ac sic cum eodem puero peccatum illud horribile, ac Zodomit cum (Anglice vocatum Buggerie) ad tunc ibidem felonice cõmisit, ac perpetrauit, contra pacem dictę dñę reginę nostræ, ac contra formam statuti in huiusmodi casu ante hac prouisi ac editi.

For Burglarie in a dwelling house in the night time, for taking out of money out of a chest, and for the accessories before the offence, and the accessories after.

Sect, 81. INquiratur pro domina Regina, quod cum I. H. nuper de H. in A comitatu predicto yeoman, x. die Maij, Anno regni Reginæ Elizab. &c. 24. vi & armis &c. domum mansionalem cuiusdam P. armig' apud H. pred' in com̃ E. pred', circa horam decimam in nocte eiusdem diei, felonice & burglariter fregit & intrauit, & quadraginta libras in pecunijs numeratis, de bonis & catallis predict P. in quadam cista in domo predict adtunc existent̃ inuent̃ felonice cepit & asportauit, cõtra pacem dictę dominæ reginæ, & si quidam Christopherus G. nuper de H. predict' in comitatu S. predict' yeoman, ante feloniam & burglar̃ pred'

præd' per ipſum T.H. in forma prædict' fact' & perpetratam, viz. 6. die Maij, anno xiiij. ſupradicto, eundem T.H. apud H. præd' in comitatu E. prædict' ad feloniam & burglariam præd' in forma prędicta ſic faciend' felonice excitauit, abbettauit, & procurauit, contra pacem dictæ dominæ reginæ nunc, coronam & dignitatem ſuam. Et ſi quidam I.R. nuper de C. in com̃ S. prædict' yeoman, ſciens præfatum T.H. feloniam prædictam in forma predicta ſic feciſſe & perpetraſſe eundem T.H. dicto decimo die Maij, anno ſupradicto, poſt felon̄ præd' per ipſum T.H. ſic fact' & perpetratam, apud H. præd' in comitatu S. predicto felonice receptauit, confortauit, et hoſpitauit, contra pacem dictæ dominæ reginæ coronam et dignitatem ſuam.

For Burglarie in a dwelling houſe in the night time, for the aſſaulting and putting in feare of them in the houſe, and for taking of money out of a cheſte.

A INquiratur pro domina Regina, ſi N.H. nuper de G. in com̃ E. præ- Sect. 82.
dicto Y.T.E. nuper de M. in com̃ E. prædicto Y. 10. die &c. inter horas vndecimam & 12. in nocte eiuſdem diei, vi & armis &c. domum manſionalem cuiuſdam R.B. apud W. in prædicto comitatu Eborum felonice et burglariter fregerunt & intrauerunt, et in ipſum R.B. adtunc & ibidem in eadem domo in pace dei, & dictæ Dominæ reginæ exiſtent̃, inſultum feſerunt, & eundem R. adtunc et ibidem in timore corporali vitæ ſuæ impoſuerunt, ita quod de vita ſua deſperabatur, & quatuor libr̃ in pecunijs numeratis in quadam ciſta infra domum prædictam adtunc exiſtent̃, de bonis catallis et pecunijs cuiuſdam I.B. adtunc et ibidem inuent̃, felonice & burglar̃ ceperunt et aſportauerunt, contra pacem &c. vt ſupra.

For Burglarie in a dwelling houſe in the night time, the taking away of a ſiluer ſalt, money, and 3. ſiluer pinnes.

A INquiratur pro domina Regina, ſi W.H. nuper de S. in comitatu D. Sect. 83.
Dyer, R.C. nuper de M. in comitatu W. yeoman, T.C. nuper de M. prædict' in comitatu W. prædict' yeoman, & T.L. alias dictus L. nuper de M. prædict̃ in predicto comitatu W. yeoman, & T.P. nuper de C. in comitatu S. yeoman, vltimo die Octobris, anno regni Reg. Eliz. &c. 4. circa horam vndecimam in nocte eiuſdem diei, vi & armis &c. domum manſionalem cuiuſdam Marg. P. viduæ apud C. in prædict' com̃ S. felonice & burglariter fregerunt et intrauerunt, et vnum Salinum argenteum vocat̃ a Siluer ſalt, ad valentiam quinquaginta ſolid', x.li. in pecunijs numeratis, tres aciculas argenteas ad valentiam vj.s. viij.d̄. & iij. annulos argenteos valor̄ vj.s. de bonis catallis, & pecunijs præf. Marg. adtunc & ibidem inuent̃ felonice ceperunt & aſportauerunt, contra pacem &c. vt ſupra.

For Burglarie in a dwelling house in the night time, a woman then being in the house, & for taking away of xx.li out of a cubbord in the house.

Sect.84. IVratores pro dña Regina præsentant, quod T.S. de W. in dicto comitatu E. Taylor, quarto die mensis Feb. Anno regni dictæ dñę nostræ Elizab', dei gratia Angl', Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. vicesimo nono, vi et armis &c. domum mansionalem cuiusdam N.G. de W. predicta apud S. in dicto coñ Butcher, noctanter, viz. (inter horas decimam & vndecimam post meridiem eiusdem diei) quadam I. vxore ipsius N.G. tunc in eadem domo in pace dei, et dictæ dñæ Reginæ existente, felonice et burglariter fregit & intrauit, et viginti libras legalis monetæ Angl' de bonis predict N.G. in quodam abaco in dicta domo existente mutas, tunc et ibidem felonice cepit et asportauit, contra pacem dictæ dominæ Reginæ nunc, coronam, et dignitatem suam. A

For Burglarie in a dwelling house in the night time, for assaulting & putting in feare of thẽ in the house intending to kill, or robbe them in the house, and the accessorie before the offence committed.

Sect.85. INquiratur pro dña Regina, si F.M. nuper de M. in comitatu D. Joiner, duodecimo die Aprilis, Anno &c. circa horam duodecimam in nocte eiusdem diei, vi & armis &c. domũ mansionalem cuiusdã T.C. señ, apud C. in coñ S. pred' burglariter & felonice fregit & intrauit, et super quosdam R.S. et I.B. adtunc et ibid' in pace dei & dictę dñæ Reg. existent, insultum fecit, & eosdem R. et I. in corporali timore vitarum suarum posuit, ea intentione ad interficiend', vel saltem ad spoliandum pred' T.C. de bonis & pecunijs suis, ad graue dampnum ipsius T. & cõtra pacem dictæ dñæ Reg. &c. vt supra. Et si G.B. nuper de C. pred' in coñ pred' Weauer, ante feloniam predict' in forma predict' sic fact et perpetrat, eundem F.M. apud C. pred' in coñ D pred' videlicet, vicesimo die Ianuarij Anno &c. vt supra, ad feloniam predict in forma pred' sic faciend' felonice excitauerunt, abbettauerunt, & procurauerunt, cõtra pacem dictæ dñæ &c. vt supra. A

For burning of a dwelling house in the daie time, with a pound of gunpowder put in a bũdel of straw in the house, the owner of the house thẽ being in the same house.

Sect.86. IVratores pro domina regina præsentant, quod A.B. nuper de C. in comitatu E. predicto Victualer, octauo die mensis Iulij, Anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ, fidei defensoris &c. tricesimo, ad domum mansionalem E.F. de C. predicta in comitatu prædict generosi, in C. predict in dict coñ E. existentem, vi & armis, inter horas sextam et septimam ante meridiem eiusdem diei accessit & cum vna libra pulueris tormẽtarij ad valentiam 12. denar & face quadam ignita, quam dictus A.B. tunc & ibi- A

dem

dem in manibus ſuis tenuit, ignem in quodam faſciculo ſtraminis tunc in dicta domo exiſtentis, ex malicia ſua precogitata felonice accendit, vnde eadem domus tunc ibidem totaliter cremata & combuſta fuit (eodem E.F. tunc in pace dictæ dñæ reginę in dicta domo ſua exiſtente.) Et ſic predict̃ A.B. dicto octauo die Iulij, Anno ſupradicto, apud C. prædict̃, domum manſionalem predicti E.F. predict̃, modo & forma predict̃, voluntarie ex dicta malicia ſua præcogitata, et felonice incendit & combuſſit: contra pacem dictæ dominæ Reginæ noſtræ, ac coronã, & dignitatem ſuas.

For Burglarie and burning of a dwelling houſe in the night time, hauing an intent to robbe it, & the putting of diuers perſons in feare then being in the houſe, and the acceſſories before the offence, and acceſſories after the offence.

A INquirarur pro dña regina, ſi W.S. nuper de O. in coñ E. p̃d' Smith, die Feb. &c. 13. circa horam xij. in nocte eiuſdem diei, vi & armis, videlicet gladijs, ſcutis, baculis, arcubus, & ſagittis, apud *S.* in pred' coñ E. ad domum manſionalem cuiuſdam I.C. ſimul cum alijs veniebat, ea intentione ad ſpoliandũ dictum I. de bonis & catallis ſuis in eadẽ domo tunc exiſtent̃, ac ſi idem W. ſuper tecturam eiuſdem domus vulgariter nuncupat̃ (the couering of the houſe) adtunc & ibidem, cum vna ſcala aſcendebat & ſcandebat, ea intentione, per tecturam p̃dict̃ ad intrand' & ingredi ẽdum in domum illam. Ac ſi dictus W. ſimul cum alijs prædict̃ I.G. R.C. M.P. & F.G. in eadem domo tunc exiſtent̃, tantum timorem corporalem tunc & ibidem inferrebant, ita quod de vitis ſuis deſperabat̃, as ſi dictus W. ſimul cum alijs predictis, adtunc & ibidem ex malitia ſua præcogitata, eandem domum cum igne tunc & ibidem felonice comburebat, predict̃ E.R.C. in P. & E.G. in eadem domo exiſtente, contra pacem &c. vt ſupra. Ac ſi W.R. de B. in comitatu præd' yeoman, & W.I. de S. in comitatu E. predict̃ gener̃ ante felon̄ prędict̃ per ipſos I.C. & alios factam & perpetratam, præd' W.S. prædicto 27. die Febr̃ anno ſupradicto apud B. predict̃ in comitatu predict̃ ad felon̄ predict̃ ſic in forma predict̃ faciend' & perpetrand' felonice excitauerunt, procurauerunt, & abbettauerunt, contra pacem &c. ac ſi prędict̃ W.R. & W.S. ſcientes predict̃ W.S. ſimul cum alijs ſupradictis felon̄ præd' in forma p̃dict̃, ſic feciſſe & perpetraſſe, eũdem W.S. poſtea ſcilicet 27. die Febr̃ Anno prædict̃ apud B. prædict̃ in comitatu E. prædict̃ felonice receperunt, confortauerunt, hoſpitauerunt & concelauerunt, contra pacem dictæ &c. vt ſupra. Sect. 87.

For breaking and burning a barne with corne of diuers ſortes in it, as well in ſheaffe as threaſhed.

A INquiratur pro domina Regina, ſi I.M. de D. in coñ M. yeoman, 3. die &c. apud I. in coñ E. vi & armis quoddam horreum cuiuſdam Sect. 88.

I.S. apud I. prædict in præd' com̃ E. situat & existen̄ felonice fregit & intrauit, & quibusdam candelis tunc igne accensis, quas I.M. tunc & ibidem in manibus suis tenuit adtunc et ibidem ex malitia sua præcogitata et ex instigatione diabolica in horreū prædict̄ cum diuersis granis et garbis, viz. tribus quarterijs ordei, & quatuor quarterijs frumenti, & duobus modijs auenarum & 4. carectat̄ hordei in garbis in eodem horreo adtunc existentibus, ignem accensum adtunc et ibidem voluntarie et felonice imposuit, & cum eodem igne adtunc & ibidem horreum prædict̄ cum omnibus granis & garbis supradictis in eodem horreo adtunc et ibidem existen̄ voluntarie, et felonice combussit, & totaliter cum igne illo felonice et voluntarie consumpsit, contra pacem dictæ dominæ Reginæ, &c. vt supra.

For maintenance in an Assise of Nouell disseisin, for to haue the moitie of the land in question, and one hundreth pounds in money.

Sect. 89. IVratores pro domina Regina præsentant, quod I.C. T.C. ac I.P. de O. in comitatu E. yeomen, ac alij (de confederatione & couina predictorum I.C. T.C. & I.P. existentes) quoddam placitum Assisæ nouę disseisinæ quod nuper summonitum fuit in curia dictæ dominæ Reginæ, coram dilectis & fidelibus dictæ dominæ reginæ I.S. & I.K. et aliis nuper Iustic' ipsum Dominæ Reginæ, ad assisam illam capiendam assignatis, per breue ipsius dominæ reginæ inter W.S. quærentem, et I.H. tenentem, de quodam libero tenemento in N. & S. in com̃ E. præd', (viz. pro medietate inde sibi & hæredibus suis inperpetuum) viz. pro C. lib̄r sterlingor̄ in pecunia numerata in hac parte habenda, per conuentionem inde inter prædict̄ N.S. & præfatos I.C. T.C. et I.P. 20. die mensis Augusti, Anno regni dictæ dn̄æ nostræ Elizabethæ, dei gratia, Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Triceſimo, apud O. predict̄ in dicto comitatu factam, pro predicto W.S. contra præfatum I.H. dictis die, Anno, & loco, assumpserunt manutenendum, & manutenuerunt: In magnum dictæ dominæ Reginæ contemptum, ac contra formam diuersorum Statutorum, huius regni sui Angl' in huiusmodi casu prouisorum ac æditorum. A

For maintenaunce in an assise of Freshforce, to haue parte of the land in question, and parte of the damages to be recouered.

Sect. 90. IVrat̄ præsent̄, quod cum de communi consilio regni domini E. nuper regis Angl' prima, progenitoris dominę Reginæ nunc, prouisum sit, Quod nullus Minister, vel aliquis alius manuteneat placita, querelas, vel negocias, quæ sunt in cur̄ domini regis, de terr̄, ten̄tis, aut alijs rebus quibuscunque, pro parte rei petitæ, vel aliquo proficuo, per conuentionē factam inde habend', nec aliquis ius suum sub huiusmodi cōditione alteri dunittat̄. Quidam W.P. &c. simul cum R.S. &c. tali die. A

&

& anno, quandam querelam cuiuſdam Aſſ. friſcæ forciæ, que eſt in curia dominæ Reg' nunc Ciuitatis E. coram E.B. Maioꝛ & C.D. vicecom̃ eiuſdem ciuitatis, fine breui ipſius dominæ Reg' ſecund' conſuet̃ ciuitatis prædict', inter quoſdam I.R. & T.L. de vno meſuag' cum pertiñ in ciuitate prædict', pro parte eiuſdem meſuagij. viz. pro medietate meſuagij illius, ſibi & hered' ſuis imperpetuum, & alio proficuo, viz. pro medietate damnoꝝ in querela aſſiſe præd' recuperand' inde habend', per conuentionem inter pref. I. ac præd' W. & R.S. apud E. præd' factū aſſumpſit manutenend', & manutenuit, ad graue dampñ ipſius T.L. & contra form̃ prouiſionis præd' &c.

For a Riotous aſſault and affray made vpon a Vicar in his Church, and for the impriſoning of him in a paire of ſtockes.

A INquiratur &c. A.T. &c. H.S. &c. & W.K. aggregat̃ &c. 22. die Iulij &c. vi & armis &c. apud C. in comitatu S. riotoſ. &c. in R.L. vicariam Eccleſiæ parochial' de C. præd', in pace dei & dictæ dominæ Reginæ in eccleſia prædict' tunc exiſten̄ inſultum & affraiam feceꝝ, & ipſum R. L. ab eccleſia prædict' tunc violenter & manuforti extraxeꝝ & vſque cippos duxeꝝ, & ipſū impriſonaueꝝ & maletractaueꝝ & alia enormia ei adtunc & ibidem intuleꝝ, ad graue damnum ipſius R. L. contra formam ſtatut̃ in huiuſmodi caſum edit̃ & prouiſi, & contra pacem dictæ dominæ &c. Sect' 91.

For abſence from Church for vi. monethes vpon the ſtatutes of primo and xxiij. of the Queene.

A IVratores domina Regina ſuper Sacramentum ſuum preſentant, quod A.B. nuper de C. in com̃ præd' E. Aꝛ, qui x. die Iulij anno regni domiñ noſtræ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. Triceſimo, fuit ætatis 16. annorum & vltra, non acceſſit (Anglice did not repaire) ad eccleſiam ſuam parochial' de D. p̃d nec ad aliquam aliam eccleſiam, capellam, aut vſualem locum communis precationis, & ibidem moratus fuit tempore communis precationis, ad aliquod tempus infra ſex menſes tunc proxime ſequentes, ſed abſtinuit ab eiſdem (Anglice hath forborne the ſame) per ſpacium præd' ſex menſiū, contra formam cuiuſdam ſtatuti apud Weſtm̃ in com̃ Midd' anno regni dictæ dn̄æ Reg. nunc primo, pro vniformitate cōmunis precationis editi & prouiſi, ac cōtra form̃ ſtatuti anno regni dictæ dn̄æ reg' nūc 23. in hm̃odi caſu editi & prouiſi, ac in contemptum dictæ dn̄æ reginæ nūc, & contra coronam, & dignitatem ſuas. Sect' 92.

For drawing a dagger vpon one in the Churchyard, to the intent to ſtrike him.

A INquiratur pro domina regina, ſi O.F. de L. in com̃ E. prædict' generoſus, octauo die &c. in cemiterio eccleſiæ parochialis de L. p̃dicta in dicto Sect' 93.

dicto comitatu, malitioſe extraxit pugionem ſuum in quendam I. S. de L. prædicta ſcutan, ea intentione ad percutiendum prædictum I. S. cum dicto pugione, contra pacem dictæ dominæ reginæ noſtræ tunc, ac contra formam ſtatuti in parliamento domini Edwardi nuper Regis Angliæ ſexti (tento apud Weſtmonaſteꝝ in comitatu Middleſexiæ, Anno regni dicti nuper domini Regis quinto) in huiuſmodi caſu prouiſi, ac editi.

For fighting with a weapon in the Churchyarde, contrary to the ſtatute of Anno 5. Ed. 6.

Sect' 94. IVrāt preſentant, quod cum in ſtatuto in Parliamento domini E. nuper Regis Anglie ſexti, apud Weſtm̄, anno regni ſui quinto, tenꝝ, editꝝ, inter cetera ſtabiliꝝ exiſtit &c. Quod ſi aliqua perſona ad aliquod tempus, poſt primum diem Maij, tunc proximū ſequenꝝ malitioſe percuteret aliquam perſonam, cum aliquibus armis in aliqua eccleſia ſiue cemiterio, vel poſt eundem primum diem Maij, extraheret aliqua arma in aliqua eccleſia, ſeu cemiterio, intentione ad percutiendum alium cum eiſdem armis, quod tunc quelibet perſona ſic offendens & inde conuict' per veredictum xij. hominum, vel per ſuam propriam confeſſionem, vel per duos legales teſtes, coram Iuſtic' Aſſiſarum, Iuſtic' audiend' & ternandi, ſiue Iuſtic' pacis in Seſſionibus ſuis, virtute illius actus adiudicaretur per eoſdem Iuſtic' coram quibus talis perſona ſic conuinceretur, ad habend' vnam aurium ſuarum abſciſſam, & ſi illa perſona ſiue perſonæ ſic offendeñ non haberet ſiue non haberent aliquas aures, ita quod illiuſmodi pœnam ſubirent (vt prefertur) quod tunc ipſe vel ipſi ſignarentur in bucca, Angl' cheeke, farrocandenti Angl', a hote iron habeñ hanc literam F. per quam ipſe vel ipſi cognoſci & haberi poſſint pugnaꝝ effectores, & pugnatores, & vltra hoc, quelibet talis perſona foret & ſtaret ipſo facto excommunicatꝝ, prout in eodem ſtatuto plenius continetꝝ. Quidam tamen G. B. nuper de S. &c. 2. die Iunij, &c. vi & armis, viz. &c. cum quodam pugioñ in quendam T. C. in pace Dei & dictæ dominæ Reginæ exiſteñ apud C. in comitꝝ E. predict' in cemeterio Eccleſiæ parochialis de C. præd' inſultum fecit, & ipſum T. ſuper caput ſuum adtunc & ibidē malicioſe percuſſit, & alia enormia ei intulit ad graue damnum ipſius T. & contra pacem dictæ dominæ Reginę &c. ac contra formam ſtatuti prædicti &c. A

For abſence from the Church for certein Sundaies, and Feſtiuall daies vpon the ſtatute of primo of the Queene.

Sect' 95. IVrꝝ pro domina Reginā preſentant quod cum in ſtatuꝝ in parliamento dñæ Eliz. dei gratia &c. anno reg' ſui 1. tenꝝ apud W. in com̄ M. inter alia inactitatꝝ & ordinatꝝ exiſtit, quod poſt feſtū S. Io. Bapt anno reg' dict' domi- A

dominæ Reg' omnis & ſingula perſona ſiue perſone inhabitañ in hoc regno Ang' aut aliquod aliud dominioꝝ dict' dominæ reg', diligenter & fideliṫ, habentes nullam legalem ſeu rationabilem excuſationem abeſſendi, adnitentur adire ſuam parochialem eccleſiam vel capellam conſuetam, vel ſuper rationabile impedimentum, aliquam viſitatum locū, vbi communes precationes, & diuina ſeruitia, in actu illo mencionaṫ celebrate fuerint tempore talis impedimenti, quolibet die Dominico, & alijs diebus ordinaṫ, & vſitatis obſeruari vt feſtiuis diebus, & tunc & ibidem manere ſecundum ordinē & ſobrie, durante tempore precum cōmuñ, predicatioñ, aut alioruum diuinorum ſeruitiorum ibidem vtend' & miniſtrand', ſub pæna punitionis per cenſuras eccleſiæ, & etiam ſub pæna, quod quelibet perſona ſic offend', forisfaciat pro qualibet tali offenſa 12. denarios leuand' per gardianos Eccleſiæ parochialis vbi talis offenſa foret fact' ad vſum pauperū inhabiṫ eiuſdem parochiæ de bonis, terr', & tenementṫ, talis offend' per modum diſtrictioñ, prout in ſtatuṫ p̄dict' continetṫ, cumque T.R. de D. in coñ præd' arīn & A. vx' eius, vtroque eoꝝ exiſt' ætatis 16. annñ & amplius, ac exiſtant parochianñ, eccl' pochial' de T. præd', in præd' coñ E. infra quam quidem eccl' coñes precatioñ, & alia diuina ſeruiṫ in ſtatuṫ præd' ſpec' poſt præd' feſt' natiuiṫ S. Io. Ba. anno r. ſupradict', ſcz. die dñica prox. poſt feſtum S. Mich. Arch. anno regni Reg' Eliz. Dei gratia &c. 12. diebus dominicis tunc proxiñ ſequentṫ & 8. alijs diebus feſtiualibus eaſdem 12. dies dominicas interuenientṫ dicebantur & vtebantur, præd' I. & A. non habentes legalem nec rationabilem excuſationem, ſeu impedimentṫ abeſſendi ab Eccl' præd', in diebus prædict', tempore prædict' communñ precum, predicationum, & diuiniorum ſeruitiorum ibidem tunc dictorum, habitorum, & miniſtratorum non ſolum non adnitebantur adire Eccleſ. parochial' de D. prædictṫ exiſtenñ eorum Eccleſiam conſuetam, in prædict' die dominñ proxiñ poſt prædict' feſtum ſancti Michael' Archang', anno Reg' dictæ dñæ reg' nunc 34. ſupradict' & prædict' alijs 12. diebus dominicis tunc prox' ſequeñ, & prædictṫ alijs octo diebus feſtiualibus inter eaſdem 12. dies dominicas interuenientṫ tempoꝝ prædictṫ communñ precatioñ & diuinorum ſeruitioꝝ ibidem in diebus illis dictoꝝ habitoꝝ & miniſtratorum, ſed etiam odio habentṫ & contenentṫ Euang' & ſalub' dei verbū & dict' dominam reg', & leges ſuas, ſeipſos voluntaṫ abſentauerunt, & vterque eorū voluntarie ſeipſum abſentauit ab eccl' præd' die dñca, px' poſt feſt' S. Mich. Arch. anno reg' dictṫ dñæ reginñ nunc 34. ſuprad' & p̄dictṫ alijs 12. diebus doñcis tunc prox' ſequentṫ, & præd' alijs S. dieb. feſtiual' inter eaſd' 12. dies dñcas interuenientṫ tempore præd' communiū precum, prædicatioñ, & diuiñ ſeruicioꝝ ibid' in diebus illis, dictoꝝ, habitoꝝ, & miniſtratoꝝ, contra pacē & in contemptṫ dictṫ dñæ reginæ nunc & legem ſuam & coronam & dignitatem ſuam, ac contṫ fortñ ſtatuṫ præd',

& in

& in pernitiosum exemplum alior malefactor &c.

For taking of Conies in a free warren in the night time.

Sect' 96. INquir &c. si E.D. &c. vi et armis viz. baculis, falcastris, arcubus, & sagitt & alijs arm defensiuis, parcum, seu liberam warren C. B. apud A. in comit prædict' D. circ' hor 10. in noct' eiusdem diei fregit & intr, & in eod parco siue liber warren, leporarijs, licisc is et retibus voc' pursnet sine licentia dict' T.B. venabant et 40. cunic' valor 13. s. 4. d. de bonis & catt ipsius T.B. adtunc & ibid' inuent cepet & asportauer ad graue damn ipsius T.B. et contra pacem &c. A

For conspiring and combining to indicte one for stealing of a horse of one of the conspirators, and for procuring of diuers false suites to bee brought and pursued in the names of the conspirators, and of diuers others against diuers persons.

Sect' 97. IVratores &c. presentt, quod I.P. nuper de I. in prædicto comit E. et R.B. nuper de C. in præd' comit E. gener vna cum alijs quamplurimis personis adhuc ignot, contra legem domini regis ad formam statutorum in huiusmodi casu prouisorum, conspiratione & couina apud T. præd die &c. habit, diuersis temporib' postea simul vnit, confederati, et iurati falso fraudulent & maliciose ver ad vindicand', destruend', perturbād, placitand', adnihiland', & similit adnulland' fideles et innocentes ligeos dicti domini regis pro lucro ad eorum proprium vsum capiendo, societatem inierunt, & adinuicem iurauerunt, ad simul standum contra dictū dominum regem, et quoscunque ligeos suos in omnibus et singulis materijs placitis et querelis, per ipsos et eorum quemlibet motis seu mouendis. Et si eorum aliquis cum aliquo, placita, materiam, seu querelā moueret, quod ipsi & eorum quilibet cum eo, sic materiam, querelam, seu placitum mouent stare, et perseuerare deberent et deberet. Et si aliquis eorum aliquam querelam seu placitum nomine alterius persone cuiuscunque, versus aliam personam super se assumperit manutenend', extunc eorum quilibet qnerelam, sectam, seu placit prædict', tanquā querelam, sectam, seu placitum, nomine eorum prosecut, manuteneret, foueret et teneret, recto, veritate, Iustic' et iure, omnino postpositis et sublat: Virtute quorum quidem vnitionis, conspirationis, iuramentt, confederationis, et manutentionis, prædictorum I.P. R.B. et al' sic in vnum globat, et iurat, postea, videlicet die &c. Anno &c. conspiratione inter eos apud C. in comit prædict', prehabita, quendam I.H. de eo quod ipse die &c. anno &c. vnum equum pretij &c. de bonis et catallis prædicti I. P. R. B. apud S. inuent felonice furatus fuit cepit et abduxit, falso & malitiose indictari procurauerunt. Et prædict' I. P. et R.B. et alij modo et forma præd' vniti et confederati diuersa falsa placita, sectas, et querelas innume- A

innumerabiles, tam nominibus eorum proprijs, quam nominibus aliarum personarum eis falso & malicioſe congregat & vnit, proſecuti fuerunt, et manutenerunt & indies proſequntur et manutenent, videlicet prædict' I.P. ad hundredum domini P. militis apud C. prædict' xiij. die, anno &c. tent, eodem I. adtunc Ballivo eiuſdem hundred' exiſten, ad ſtatum et poſſeſſionem R.S. et A. vxoris ſue adnulland': Et pro eo quod ad quamlibet curiam hundred' ibidem ſucceſſiue tenend', prædict' R. vxorem ſuam ibidem producere nequiret, ita quod exceſſiua amerciament in ſtatus eorum depauperationem fierent & euenirent, cõſideratiõ taxatoꝝ amerciament curie prædicte, ſemper de couina prædict' præd' I.P. extiterunt, treſdecim querelas de placito tranſgreſſionis, nomine W.Y. et R.B. quatuor querelas tranſgreſſionis nomine W.E. abſque vera materia ſeu iuſta cauſa, ſeperatim verſus prædictum R.S. et A. leuauit & intranit, ac prædict' querentes huiuſmodi querelas leuare procurauit ad graue damnum ipſorum R. et A. et contra formam ordinationis in huiuſmodi caſu prouiſ. &c.

For a conſpiracie of diuers Bakers touching the making of bread.

A IVratores pro domina Regina preſentant quod A.B.C.D.E.F.& G.H Sect' 98.
de M. in dict' comit L. Piſtores 2. die Octobris, Anno regni dominæ noſtræ Elizab. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris &c. Triceſimo nono, apud M. prædictam, in comit E. præd, in ſimiul conuenerunt conſpirauerunt, ac mutuo inter ſe promiſerunt, qd panis denarij de integro frumento (per eos ſeu eorum aliquem, tum deinceps faciendus ac vendendus) non amplius quam 2. libras et ſex vncias Trocij ponderis habebit et ponderabit (quodcunque impoſterum foret vnius quarterij frumenti pretium:) in dictæ dominæ Reginæ nunc contemptum, ac in extremum pauperum dictæ dominæ Reginæ ſubditorũ grauamen, necnon contra formam diuerſorum ſtatutorum in huiuſmodi caſu prouiſorum & editorum.

For the taking of vnreaſonable diſtreſſe contrarie to the ſtatute of Merton, Anno 52. H.3. cap. 4.

A IVratoꝝ pſentant pro domina Reg' quod cũ in ſtatut in parliamẽt tent Sect' 99.
apud M. anno H.3. nuper Regis Angl' 52. inter cetera ordinat ſit qd diſtrictiones ſint rationabiles & non nimis graues, et qui diſtrictiones fecerint irrationabiles, & indebitas, grauit amercient propter exceſſiuam diſtrictionem ipſorum, prout in ſtatut præd' plenius continetur. Quidam tamen A.B. de &c. ſtatut prædict' & pœnam in eodem contentam minime ponderans 12. die Iuñ, anno regni &c. duas vaccas de bonis & catall' W.F. &c. apud G. &c. in eodem comit N. pro quinque ſolid' in pecunijs numeratis irrationabilit & exceſſiue diſtrinxit, & pro diſtrictio-

one cepit, vbi tempore districtionis & captionis prædict', quarumlibet prædictarum vaccarum precium capitis erat xx.s, contra formam statuti prædict' &c.

For the taking of a distresse out of his fee, and in the highway contrarie to the statute of Merton, Anno 52.E.3.cap.15.

Sect' 100. IVrat presentant pro domina Regina, quod cum in statut in parliamēt A
tenī apud M. anno H.3. nuper regis Angl' 52. nulli de cetero liceat ex quacunque causa districtiones facere extra feodum suum, nec in via regia, aut in communistrato, nisi domino regi, aut ministris suis specialem authoritat ad hoc habentibus, prout in statut prædict' plenius continetur. Quidam tamen A.B. & C.D. de &c. statutum prædict' & penam in eodem contenī minime ponderantes 2. die Iuñ, anno &c. 2. vacc' de bonis & catall' E.D. &c. apud F. &c. extra feod' ipsor siue ipsorum alicuius, in cōmuñ strato voc' &c. adtunc & ibid' existenī distrinxer, & pro districtioñ cepe nec tempore districtioñ præd' A. B. & C. D. non fuer ministri, nec aliquis eorum fuit minist, dict' dñæ regiñ, nec habuerunt, nec aliquis eorum habuit specialem authoritatem ad illud faciendum, contra pacem &c.

Against Egyptians vpon the statute of primo and secundo of king Philip and Queene Marie.

Sect' 101. IVr presenī quod cum in statuto in Parliamento domini P. & dñæ M. A
nuper regis & Reginæ Angl' apud W. die x. No. annis Reg' suorum 1. & 2. tenī æditī inter alia ordinatum existit, &c. quod si aliqua ꝑsona, siue persone seipsos appellantes Egyptianos qui transportarentur, vel conueiarentur in hoc regnum Angl' siue Walliæ, continuarent, & remanerent, infra idem, per spacium vnius mensis, quod tunc ipse vel ipsi sic offendeñ, virtute actus præd', adiudicat & estimati essent felones, & proinde sustinerent penas mortis, & forisfact' terrar & bonorum, vt in casu felonie iuxta ordinem communium legum huius regni, Et super examiñ eorum siue alicuius eorū, triarentur in coñ, ac ꝑ inhabitantes illius coñ, vel loci, vbi ipsi vel ipse apprehenderentur, siue caperentur, & minime ꝑ medietatem linguæ, & amitterent libertatem & priuilegium Sanctuarij & cleri, prout in eodem statuto pleniusapparet. Quidam tamen M. P. & P.R. de &c. seipsos appellantes Egyptianos, statut prædict' minime ponderantes, nec penam &c. qui primo die Aprilis, anno &c. in hoc regnum Angl' transportat & conueiat fuerūt, ab eodem primo die Aug' anno &c. supradicto, vsque decimum diem Sept extūc prox' sequeñ apud C. in præd' coñ E. continuauerunt & remanserunt in eodem, otiosas vitas suas nó relinquentes, nec seipsos in seruitio alicuius habilis & honesti subditi huius regni Angl' collocare ꝙrentes, neq; seipsos in aliquo opere licito

licito ſiue occupatiõ honeſta exercentes, in dñæ Reginæ nunc contẽptum, ac contra formam ſtatuti præd' &c.

Againſt Egyptians vpon the ſtatute of 5. of the Queene.

A IVr̃ preſentant &c. quod cum in ſtatuto in parliamento dominæ Reginæ nunc apud Weſtmonaſterium in coĩ Middl', xiij. die Ianuarij, Anno regni ſui quinto tenẽ, edita inter alia &c. quod omnes & ſingula perſona & perſone que ab, & poſt primum diem Maij, tunc proximũ ſequenẽ viſe vel inuente forent infra hoc Reg' Angliæ ſiue Walliæ in aliquo commercio vel conſortio vacabundorum vulgo vocat̃, ſiue ſeipſos appellañ Egyptianos vel ſeipſos ſimulantes tranſmutantes ſiue fucantes Anglic' diſguiſing per eorum veſtitum, locutionem, aut aliam geſturam conſimiles huiuſmodi vagabundis communiter appellat̃ vel ſeipſos appellantibus Egyptianos, & ſic facerent, continuarent, & remanerent in eiſdem, aut ſemel, vel ſepe, per ſpacium vnius menſis, quod tunc eadẽ perſona ſiue perſone virtute huius actus eſtimate forent & adiudicarentur felo & felones, & proinde ſufferent penas mortis, ac amiſſionem terrarum & bonorum, vt in caſibus felonię, ſecundum ordinem communium legum huius regni. Et ſuper eorum ſiue alicuius eorum examinat̃ in hac parte triarentur in comit̃ ac per inhabitantes comitatus vel loci, vbi ille vel illi apprehenderent̃ ſiue caperentur, & non per medietat̃ lingue, & amitterent priuilegium & beneficium ſanctuarij, & cleri, prout in eodem ſtatuto plene liquet. Quidem tamen A. B. C. D. &c. ſtatutum prædictum minime ponderantes nec penam in eodem contenẽ verentes, poſt præd' primum diem Maij ſcz. 3. die Aug' anno regni dominæ Reginæ nunc 35. apud E. in comitatu prædict', viſi & inuenti fuerunt in commertio & conſortio vagabundorum vulgo vocat̃ & ſeipſos vocantiũ Egyptianos, ac ſeipſos ſimulantium, tranſmutant̃, & fucant̃, per eorum veſtitum, locutionem, & geſturam, conſimiles huiuſmodi vagabundis qui vulgo vocantur Egiptiani, & ſic fecerunt, continuauerunt, & remanſerunt ibidem, & alibi in eodem comit̃, a prædicto tertio die Auguſt' anno xxiij. ſupradicto vſque viceſimum diem Iulij tunc proximũ ſequenẽ in dictæ dominæ Reginæ nunc contemptum, ac contra formam ſtatuti prædicti &c. Sect. 102.

For pulling out of Eies.

A IVratores pro Domina Regina preſentant, quod A. B. de C. in dicto comitatu E. Tinker, nono die Septembris, Anno regni dict' dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo nono, in quodam loco apud C. predictam in comit̃ E. prædicto (vocato le Dene) vi & armis in quendam D. E. & C. prædicta in comitatu E. prædicto yeo. in pace dictæ dominæ Reginæ Sect' 103.

Reginæ tunc ibidem existentem, insultum fecit, ac tunc et ibidem ex malitia sua precogitata, digitis et vnguibus digitorum ipsius A. B. oculos ipsius D. E. felonice effodit, ac eruit contra pacem dictæ dominæ Reginæ nostræ, coronam et dignitatem suam, ac contra formam cuiusdam statuti in parliamento domini Henrici olim Regis Anglie quarti, tento apud Westmonast' in com̃ Midd', anno Regni sui quinto in huiusmodi casu prouisi & editi.

For cutting out of Tongues.

Sect' 104. IVrat̃ dicunt quod cum per statutum in Parliamento domini Regis H. nuper regis Angliæ, 4. ann̄ regni sui 5. apud W. tento ædit̃, ordinat̃ sit, quod malefactores, qui linguas imputarent, vel oculos euellerent ligeorum domini regis, hoc debit̃ comperto et probato, quod tale factum ex malitia precogitata fuit perpetratum, penam felonie incurrerent, prout in eodem statut̃ plenius continetur: quidam tñ I. L. de &c. penam in dicto statut̃ contentam minime verens, die &c. ann̄ &c. vi & armis, s. &c. felonice vt felo dicti domini regis, insidiand', et insultu premeditat̃ contra pacem domini Regis coronam & dignitatem suam, in illa sua precogitata malitia venit apud H. in comitatu H. et in quendam N. M. adtũc et ibidem in pace dei et domini Reg. existen̄, insultum fecit, et ipsum verberauit, vulnerauit, ac quodam cultello quem præd' I. L. adtunc tenuit in manu sua dext̃ precij ij. s. linguam ipsi⁹ M. adtunc et ibid' felonice eruit & amputauit, contra pacem domini Regis &c ac contra formam & prouis. statut̃ præd' &c. A

An Indictment against a gaoler for suffering of one committed to him vpon suspition of felony for stealing of a horse to escape.

Sect' 105. IVratores pro domina Regina presentant, quod vbi quidam A. B. nuper de C. in dicto comitatu K. Shomaker, sexto die Maij, Anno regni dominæ nostræ Elizabethæ, Dei gratia, Angliæ, Franciæ, et Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, apud C. prædict' in comitatu K. prędict', pro suspicione cuiusdam felonie (videlicet, vnius Equi, coloris albi, pretij xl. solid' felonice per eundem A. B. vt dicebatur, capti & abducti) arrestatus est & captus, & coram T. F. vno Iusticiariorum dictæ dominæ Reginæ ad pacem in dicto comitatu conseruandam assignatorum ductus, et super inde postea, viz. dictis die anno, & loco, cuidam B. D. in comitatu K. prędicto Yeoman, custodi Gaolæ dictæ dominæ Reginæ apud M. in dicto comitatu K. existenti (sub custodia I. F. armigeri, adtunc vicecomitis comitatus K. prædicti, & custodis Gaole predicte) per quoddam preceptum de Mittimus dicti T. F. Iusticiarij, idem A. B. traditus est & commissus, ad saluo & secure custodiendum in Gaola prdicta, donec idem A. B. inde foret legitimo modo deliberatus: prefatus tamen I. F. (tunc vicecomes) postea, videlicet, A

septimo

ſeptimo die dicti menſis Maij Anno ſupradicto, apud M. præd' in comitatu K. pred', præfatum A.B. (ad tunc & ibidem in dictis gaola & cuſtodia exiſtentem) a præd' cuſtodia & gaola, ad tunc & ibidem euadere & ad largum ire volũtarie, et felonice permiſit, contra pacem dictæ dominę Reginæ, Coronam, & dignitatem ſuam &c.

An other indictment againſt a gaoler, for ſuffering of a woman committed to him vpon ſuſpition of fellonie & murder to eſcape.

A INquiratur pro Domina Regina, quod cum quædam Mar̃ N. nuper de B. in pred' com̃ E. Spinſter, decimo die Apr̃ Anno &c. pro ſuſpicione feloñ & murdr̃ per ipſam M. apud B. predict̃ in comitatu E. pred' ſuper quendã W.P. fieri & perpetrari ſuppoſit̃, capt̃ & arreſtat̃ fuit apud B. pred' in comitatu E. predicto, & eiſdem die & anno pred' M. cuidam Richardo B. de N. in comitatu E. pred' Yeoman, cuſtod' gaolę dictæ Dominæ Reginæ comitatus pred' ſub Georgio P. armig' ad tunc vicecomit̃ comitatus præd' & cuſtod' gaolę pręd', per quoddam breue de Mittimus W.M. Milit̃, & I.M. armig' duorum Iuſticiar̃ dictæ Dominæ Reginæ, ad pacem in eodem comitatu conſeruand' aſſigñ, ſaluo & ſecur̃ cuſtodiend' tradita fuit, quouſque eadem M. a cuſtodia illa ſecundum legem & conſuetudinem regni Angliæ, pro ſuſpicione murdr̃ predict̃ acquietat̃ ſiue deliberat̃ foret: Si predict' R.B. de N. predict' in pred' comitatu E. Yeoman, poſtea ſcilicet viceſimo ſexto die Nouembris anno ſupradicto apud M. predict' in comitatu E. predicto, predict' M. adtunc & ibidem in cuſtodia ipſius R. in gaola dictæ Dominæ Reginę exiſtentem, a gaola predicta, adtunc & ibidem voluntarie & felonice euadere & ad largum ire permiſit, contra pacem dictæ Dominæ Reginæ nunc &c. Sect. 106.

An indictment againſt diuers for ſuffering of one which had confeſſed a felonie before a Iuſtice of peace, and deliuered to them by the ſame Iuſtice of peace, to be by them conueied to the gaole, negligently to eſcape.

A IVr̃ pro domina regina pręſentant, quod cum I.B. nuper de C. in pred' com̃ E. Miller, viij. die Decembris, anno regni reginæ Eliz. &c. primo, clauſum cuiuſdam I.G. apud C. pred' in comitat̃ E. pred' fregit & intrauit, ac vnam iuuencam coloris Browne precij viginti, s. de bonis & catallis dicti I.G. adtunc & ibidem inuent̃ felonice cepit & effugauit, contra pacem dictę Dominæ Regin̄. Et pro feloñ predict̃ per præfat̃ I.B. ſic fact̃ & perpetrat̃, arreſtat̃ fuit, et coram G.R. armiger̃ vno Iuſtic' dictæ dominę Reginæ ad pacem in comitatu predict̃ E. conſeruand' aſſigñ, necnon &c. per predict̃ I.G. duct' fuit, & coram dicto G.R. dictus I.B. feloñ predict̃ confeſſus fuit, & ibidem G.R. per breue de Mittimus, præfat̃ I.B. pro feloñ predict' ad gaolam dictæ dominæ reginæ de I. in com̃ predict̃, quibuſdam I.C. de C. pred' Y. R.B. de eadem Clothier, & Ric' M. de eadem Weauer deliberauit, ſaluo & ſecur̃ ducend' vſque gaolam Sect. 107.

gaolam præd' de I. prædict', ibidem moratur quousq; idem I. B. abinde secundum legem & consuetud' regni Angl' deliberatus foret: Et si pd' I. C. R. B. & R. M. dicto viij. die Decem, anno supradict' præf. I. B. apud C. pd' in pd' comitatu E. in eor custod' virtute deliberac' pd' sic existen, ibid' negligent a custod' sua ad largum ire & euadere permiser, contra pacem dictæ dnæ Reginæ, coronam et dignitatem suas &c.

An indictment against a Coroner vpon the statute of Anno 1. H. 8. for extortiõ in taking of a fee for his viewe of the bodie of one slaine per infortunium.

Sect. 108. IVrat pro dna Reg' præsentant, quod cum per statut in parliament dni H. nuper regis Angl' octaui, Anno regni sui 1. ordinat est, & stabilit existit, quod super requisitionem Coronator fact' adveniend' & inquirendum super visum corporis alicuius personæ per infortuniũ occise, mersæ, seu aliter mortuæ, Coronator pd' diligenter faceret officium suũ super visum corporis cuiuscunq; talis persone, vel personarum, absq; aliqua re proinde capiend', sub pena quod quilibet Coronator, qui officio suo vt prædict' est fungi recusauerit, vel rem aliquam ceperit pro functione officij præd', super visum corporis alicuius personæ mortuæ per infortunium, pro quolibet tempore xl. s. prout in statut prædict' plenius continetur. Quidã tn W. B. de H. in com præd' gener 12. die Dec' &c. adtunc exist' vnus coronator dictæ Dñe Reginæ in com E. pred', apud M. in com E. predict', colore officij sui pred' extors. & iniuriose cepit p feodo suo 20. solid' de quodam Roberto S. de B. in comitatu prædict' yeoman, pro executione officij sui prædict super visum corporis cuiusdam Iohannis C. nuper de B. in com E. Lab. qui apud B. pred' in comitatu E. pred' 4. die Octob' ann &c. per infortun occis. fuit, in contempt dictæ dnæ Reg', ad graue dannum ipsius R. S. & contra formam statuti præd', & diuersor alior statut inde edit & prouis. A

The like against a Coroner vpon the statute of An. 1. H. 8.

Sect. 109. INquiratur pro domina Regina, si A. C. de B. in comitatu E. generosus, 6. die Iunij, Anno &c. vnus coronatorum dictæ dnæ Reginæ in dicto comitatu E. adtunc existens, apud B. prædict, in comit E. præd' colore officij sui predicti, extorsiue cepit pro feodo suo 20. solid', de quodam I. S. in dicto comitatu generoso, in, & pro functione & executione officij, sui prædicti, super visum corporis R. N. nuper de B. pred' in comitatu E. pred' (qui quidem R. N. 5. die dicti mensis Iunij, Anno supradicto apud B. præd' in comitatu E. pred' casu, ab equo suo, per infortunium fuit occisus) in magnum dictæ dnæ Reginæ contempt, ac cõtra formã stat in parliam Dom Henr nuper regis Angl' octaui tento, Anno regni sui primo, in huiusmodi casu prouisi ac editi. A

For

For Extortion by an Eſchetors ſeruant, in breaking and entring into a dwelling houſe, and for ſeaſing and taking out of the ſame certen leather by collour of his office.

A IVr̃ pro dña Reg' preſenť, quod Rob. Bennet de P. in comitať E. p̃d' Y. ſeruiẽs & miniſter cuiuſd' B. T. Eſcheať dict' dñæ reg' com̃ pred', xv. die Iulij &c. apud W. in com̃ E. pręd' domum manſionalem cuiuſdam Iohãnis M. fregit & intr̃, & 6. tergora corij voc' 12. hides of greene leather, ad valenc' 8. li. & 6. duodenas pell' vitulor̃, voc' 6. dozen of Caluefkins, ad valenc' 4. li. x. s. quæ quidem terg' & pell' adtunc & ibidem inuenť, color̃ officij ſui extorſiue & iniuſte cepit, ſeiſiuit, & aſportauit, ad graue damnum ipſius I. contra leges & ordinationes dictæ dominæ Reginę regni ſui Angl', & cõtra formam diuerſorum ſtatutorum ſtatutorum in huiuſmodi caſu editť & prouiſ. Sect. 110.

An indictment againſt the regiſter of an Archbiſhop, for his extortious taking of more fees then he ought, for the probate of a teſtament.

A IVratores pro Domina Regina præſentant, quod A. B. de C. in dicto com̃ E. generoſus, primo die menſis Aug' &c. (adtunc ſcriba, (ſiue Regiſtarius) reuerendi in Chriſto patris, D. tunc permiſſione diuina E. Archiepiſcopi exiſtens, apud M. in comitatu E. predict' colore officij ſui prædicti, extorſiue ac iniurioſe cepit de quodam I. S. de M. prædicta in dicto comiť E. Tanner, duos ſolidos legalis monetæ Angl', pro feodo ipſius A. B. pro ſcriptione probationis vnius teſtamenti cuiuſdam R. N. (qui quidem R. N. apud M. prædictam infra diœceſem dicti D. Archiepiſcopi viceſimo quarto die Iulij, Anno ſupradicto mortuus eſt) vbi reuera idem Teſtamentum tunc ibidem allatum eſt ad dictum ſcribam (ſiue Regiſtrarium) per dictum I. S. in pergameno ſcriptum: & vbi omnia bona, Iura, & credita dicti R. N. dicto tempore dictæ mortis ſuæ nõ excedebant ſummam quinque librarum: & vbi etiam tota dicta ſcriptio probationis teſtamenti prædicti per præfatum ſcribam (ſiue Regiſtrarium) ſic vt præfertur facta, non continebat in ſe quadraginta lineas quarum quæque linea erat decem pollicium in longitudine: In magnam dicta Dominæ reginæ contemptum, ac contra formam cuiuſdam ſtatuti in Parliamento Domini Henrici nuper regis Angliæ octaui tento, Anno regni ſui viceſimo primo, in huiuſmodi caſu prouiſi ac editi. Sect. 111.

An indictment againſt an Eſcheator, vpon the ſtatute of 33. H. 8. for ſitting & inquiring by collour of his office, without writ, of lands holden of the Queene, aboue the yearely value of fiue pounds.

A IVratores &c. quod cum in ſtatuť in Parliamenť Domini H. nuper regis Angliæ octaui apud Weſtm̃ Ann̄ regni ſui 33. &c. quod nullus Sect. 112.

eſcheator ſederet tantum virtute officij ſui pro inquiſitione, de tenura, titulo, vel valore aliquarum terrarum, tenementor, ſiue hereditament, vbi eadem terr', tenta, ſeu hæreditament, ſint valoris 5. librar per annũ, vel ſupra, & tenẽ de domino rege, ſine breui domini Regis ſibi inde dirigend', ſub pena amittendi & foris faciendi pro quolibet tempore quo ſederet & faceret inquiſitionem contra formam huius ſtatuti, quinq; libras, in qua ſecta &c. prout &c. Quidam tamen R. B. ſtatutum pred' &c. exiſtẽ eſcheator Dominæ Reg' in comitatu E. predict tali die & anno, apud D. in pred' coñ E. ſedebat, tantum colore officij ſui ad inquirend' poſt mort cuiuſd' A. E. de tenura, titulo, & valore duorum meſ. xl. acrar paſc', 30. acrarum prati, 50. acrar paſturæ, & 20. acrar boſci, cum pertinen in O. in coñ E. præd' annui valoris decem librarum & vltra, et tenẽ de dña Regina, abſq; aliquo breui ipſius domiñ ſibi inde directo, in dictæ Dominæ Reginę contemptum, & contra formam et prouiſionem ſtatuti præd' &c.

An inquiſitiõ taken before a Coroner vpõ the view of the bodie of one which had hanged himſelfe in a leather girdle vpon the bough of a tree.

Sect. 113. INquiſitio indentat capt apud N. in comitat pred' 13. die April', anno &c. 35. coram Iohanne N. gen, vno Coronat dictæ domiñ Reg' comitatus pred', ſup viſum corporis cuiuſdã H. W. de D. in coñ E. præd' Sho. ibid' mortui iacent, p ſacrament &c. qui dicunt ſup ſacrament ſuũ, quod pd' H. 4. die Apr, ann regni dictæ dñæ Reg' 35. ſupradicto, circa hor 4. poſt meridiem eiuſd' diei, deum præ oculis ſuis non habens, ſed inſtigatione diabolic' ſeduct' in quodã prato cuiuſd' W. S. gen apud T. pred' coñ G. voc' E. Meadow, adtunc & ibid' ſolus exiſtens, cum vno cingulo corij, precij 1. denar, qd ipſe adtunc & ibid' in manibus ſuis tenuit & vnum finem inde circa collum ſuum adtunc & ibid' poſuit, & circa ramũ cuiuſdã arboris ſalicis alter finẽ inde ligauit & ſeipſum adtunc & ibid' voluntar & felonice ſuſpend', ſuffocabat, & ſtrangulabat. Et ſic iur pd' dicunt ſup ſacramentũ ſuum, qd pd' H. W. modo & forma prædict' adtunc & ibid voluntarie & felonice, vt felo de ſe, ſeipſum murderauit, contra pacem dictæ dominæ Reginæ, ac quod idem B. nulla habuit bona ſeu catalla, terras neq; tenementa. In cuius rei teſtimonium tam præfat coronat quam iur predict', præſent ſigill' ſua apposuer, datum die, anno & loco ſupradictis.

Of Forcible entrie vpon the Statute of Anno 5. R. 2. for pulling vp by the rootes of 100. pearches of quick ſet.

Sect. 114. INquiratur pro Domina Regina &c. quod cum in Statuto in Parliamento Domini R. nuper Regis Angliæ ſecund' poſt conqueſt' apud Weſtm in coñ Middl', Anno regni ſui 5. tent, edit, inter cætera ordinat ſit quod nullus faceret ingreſſum in aliquam terram ſiue tenemẽta, niſi

niſi in caſ. vbi ingreſſus datur per legem, & in illo caſu, non manuforti, nec cum multitudine gentium, ſed licito et quieto modo tantum. Et ſi quis contrarium fecerit, & inde debite conuict̃ fuerit, per impriſonamen' corpor̃ ſui puniatur, & finem ad voluntat̃ domiñ Regis fac', prout in eodem ſtatuto inter alia plenius continetur. Quidam tamen T. H. de I. in comitatu E. prædict̃ Y. &c. et alij malefactores ignot̃ &c. ſtatutum prædict̃ minime ponderant̃ ſecundo die M. &c. vi et armis viz. baculis, gladijs, falcaſtris, et bifurcis, in vnam clauſum I. C. Militis iacent̃ apud Arrow. in comitat̃ E. prædicto, in quodam loco ibidem voc' A. ſuper poſſeſſionem eiuſdem I. C. Militis, vbi ingreſſus eis aut eorum alicui non datur per legem, illicite ingreſſum fecerunt, & c̃etum particas ſepium viuar̃, ipſius I. C. Militis, adtunc et ibidẽ creſcent̃ eradicauer̃, euulſerunt, et ſpoliauerunt, in dictæ dominæ Reginæ nunc contemptum, & ad graue damnum ipſius I. C. Militis, et contra formã ſtatuti predict̃ &c.

For forcible Entrie vpon the ſtatute of An. 5. R. 2. for entring into a meſſuage and expulſing of the owner thereof.

A INquiratur pro domina Regina, quod cum in ſtatuto in parliamento domini Rich' nuper reginæ Angliæ poſt conqueſtum 2. apud Weſtmonaſt' Anno regni ſui v. tenť, ordinat̃ et ſtabilit̃ exiſtit, quod nulla perſona extunc faceret aliquem ingr̃ in aliquas terras vel tenementa, niſi in caſ. vbi ingreſſus ei datur per legem, & in huiuſmodi caſu, non manuforť, nec cum multitudine gentium, ſed quieto et pacifico modo tantum. Et ſi aliqua perſona extunc de cætero in contrarium faceret, et inde debito modo conuinceretur, puniretur per impriſonament̃ corporis ſui, & vlterius finem et redemptionem eidem domino Regi, ad voluntatem et placitum ipſius domini Regis faceret, prout in eodem ſtatuto inter alia plenius continetur. Sed quidam W. nuper de K. in comitatu E. predict̃ Huſbandman, I. W. ſenior de E. in comitatu E. predict̃ Huſbandman, & I. W. nuper de E. predict̃ in comitatu E. predict̃ Laboꝛer, ſtatuť predict̃ minime ponder̃, nec pœnam in eodem ſtatuto contentam aliqualiter verent̃, ſed illud potius contemnentes, xxiiij. die Ianuar̃ &c. apud S. in com̃ E. predict̃, in vnum meſuagium ſiue tenement̃ exiſtens liber̃ tenement̃ cuiuſdam I. H. illicite et manuforti ingreſſ. fecerunt, vbi nec ipſis nec eorum alicui huiuſmodi ingreſſus datur per legem, ac ipſum I. H. inde iniuſte expuler̃, ipſumq; I. ſic inde expulſum, a predict̃ xxiiij. die Ian. Anno pred', vſq; ad xxvj. diem eiuſdem menſis tunc proxim̃ ſequent̃, illicite et manuforť extra tenuer̃, in contemptum dictæ dñę Reginæ nunc, et graue damnum ipſius I. et contra formam ſtatuti pred', ac contra pacem dictæ dominæ &c. Sect. 115.

An indictment vpon the Statute of Anno 8.H.6. for entring with force into a barne in the possession of the farmer thereof, and for keeping of the same with force.

Sect.116. IVratores pro domina Regina nunc præsentant, quod cum in statuto A
in parliamento dñi H. nuper Reg. Angl' sexti, apud Westm̃ in coñ Midd', Anno regni sui 8. tenť, ædit', inter cætera cõtinet', quod si aliqua persona siue aliquæ personæ, de aliquibus terris seu teñtis manufort̃ expuls. seu disseisit̃ sit, vel pacifice expellatur, & postea manufort̃ extra teneat̃, vel aliquod feoffament̃ vel discontinuatio inde post talem ingressum ad ius possessoris defraudand' & tollend' aliquo modo fiat, habeat in hac parte pars grauat̃, versus talem disseisitor̃ Assisam nouæ disseisinæ, vel breue de transgres. Et si pars grauat̃, per assisam vel p actionem transgressionis recuperet, & per veredictum vel aliquo alio modo per debit̃ legis formam inueniat̃, quod pars defendeñ in terr̃ & tenement̃ illa, vi ingressa fuit, vel ea per vim post ingress. suum tenuit: recuperet quer̃ dãna sua ad triplum, versus talem defend', & vlterius idem defend' finem & redemptioñ dicto dño Reg. faceret, prout in statuto p̃d' plenius continetur. Quidam tamen W.W. nuper de W. in prædict' coñ E. Husband. & C.D. nuper de W. pred', in præd' coñ E. Labourer, statutum pred' minime ponderant̃, nec pœnam in eodem statut̃ cõtent̃ aliqualiter verentes, xix. die Febr. Anno &c. in vnũ horreum apud W. præd' adtunc existeñ liberum tenement̃ R.W. gener̃, vi & armis, viz. gladiis &c. manuforti & illicite super possessionem cuiusdam A.M. tunc firmarij præd' W. horr̃ præd' intrauerunt & ingressum fecerunt, & ipsum A. vi & armis præd' ac manufort̃ & illicite tunc inde expulerunt & eiecerunt, & præf. R.W. inde iniuste disseisiuerunt, et præf. R.W. sic inde disseisitum a præd' xix. die Febr. Anno xv. supradicto, vsq; diem captionis huius Inquisitionis, de præd' horreo vi & armis præd', et manuforti extra tenuer̃, & adhuc extra tenent, in contemptum dictæ dñæ Reg. nunc, & ad graue damnum ipsius R. & contra pacem dictę dñæ Reginæ, ac contra formam statuti præd', vbi nullus eorum nec ipsi nec aliquis alius cuius statum ipsi, aut aliquis eorum habuit aut habuerunt, infra tres annos proximos ante ingressum suum præd', aliquid in dictis horreis &c. aut in aliqua inde parcella habuit &c.

An inquisition vpon the Statute of Anno 8.H.6. wherein is found that one was with force and armes expulsed out of the possession of a manor and lands.

Sect.117. INquisitio capta apud W. in coñ S. primo die I. anno regni dñæ E- A
lizab. dei gratia &c. 35. coram R.W. Mil' F. G. arin̄ R.F. Iustic' dictæ dñæ reginæ ad pacem in coñ præd' conseruand', necnon ad diuersa felon̄, transgress. & alia malefacta in eodem comitatu perpetrat̃ audiend' & terminand' assign̄ per sacramentum xij. Iur̃ exist' præsent̃, qui dicunt

super

ſuper eorum ſacramentꝫ quod cum in ſtatuto in parliamẽto domini H. 6. nuper regis Angl' apud W. anno regni ſui octauo tentꝫ editꝫ, inter cetera contineatur quod ſi aliqua perſona de aliquibus terris vel tenementis manuforti expulſa ſit vel diſſeiſita, vel pacifice expellatur, et poſtea manuforti extra teneatur, vel aliud feoffamentum vel diſconꝫ inde, poſt talem ingreſſum, ad ius poſſeſſoris defraudand' ſeu tollend' aliquo modo fiat, habeat pars in hac parte grauata, verſus talem diſſeiſitorem, Aſſ. noue diſſeiſiñ, vel breue de tranſgꝛ, Et ſi pars grauata per Aſſ. vel per actionem tranſgꝛ recuperet, & per veredictum, vel alio modo, per debitam legis formam inueniatur, quod pars def. in terras & tenemenꝫ ill' vi ingreſſum fec', vel ea poſt ingreſſum ſuum, per vim tenuerit, recuperet querens damna ſua ad triplum verſus defend', & vlterius finem & redemptionem domino regi faciat, prout in ſtatuto prædict' plenius continetur. Quidam tamen I.S. nuper de A. in comitatu S. prædict' Yeoman, & alij ad numerum vj. perſonarum Iuꝛ ignoꝛ ſtatutum prædict' minime verenꝫ, ix. die Aug. Anno regni dominæ noſtræ Elizab. nunc Reginæ A. 24. R.W. armig' de manerio de G. cum pertineñ in A. in comitatu prædict', & de ducentis acris terræ, xx. acꝛ prati, & centum acꝛ paſtuꝛ, cum prrtineñ, in A. prædict' in comitatu præd', vi & armis & manuforti, viz. gladijs, baculis, & cultellis, propulerunt & diſſeiſiuerunt, & ipſum ſic expulſum, & diſſ. a præd' nono die A. Annñ ſupradict' vſq; diem captionis huius inquiſitionis, manuforti & vi & armis, præd' R.W. extra tenuerunt, conꝫ pacem dictę dñæ Reginæ nunc, & contra formam ſtatuti præd' in hoc caſu editi & prouiſi.

For counterfaiting of a protection and putting to it the great ſeale, taken from other old letters Patents.

A IVraꝫ præſ. quod R. D. nuper de H. in coñ H. Huſbandman, & alij machinantes, quomodo populum domini regis nunc ſubtiliſſime poterint decipere vel defraudare, & dominum regem, de his quæ ad ipſum regem pertinent, & regalia ſua, vt de feod' magni ſigilli & huiuſmodi, exhæredare, & veram legem Angl', a toto tempore vſitatam & approbatam, ſubuertere & adnullare, xvj. die Februaꝛ &c. apud T. in comitatu M. deceptiue, falſo & proditorie, quaſdam falſas literas patentes, ad ſimilitudinem ſcripꝫ cancellaꝛ domini regis, contrafac', quaſi eſſent literæ patentes, de protectione ipſius reg. ſub nomine I.K. clerici hanaperij Domini Regis, ac vnius clericorum Cancellariæ prædict' ſcripꝫ, hunc tenorem continenꝫ, viz. H. dei gratia &c. reciting the Letters patents verbatim, Ac cum ijdem R.B. & alij &c. dictas falſas literas patenꝫ ſic vt premittiꝫ, contrafeciſſent, non habentes magnum ſigillum dñi regis, deceptorie, falſo, & proditorie, machinanꝫ, qualiter ipſi falſas & fictas literas patentes huiuſmodi ſubtilius poterant ſigillare, & Sect. 118.

magnum ſigillum dñi regis contrafacere, dict̃ 16. die Februarij anno ſupradict' apud B. in com̃ pred' quoddam magnum ſigillum dñi regis, ſuper quaſd' patent̃ ipſius dñi regis præante pend', & debit̃ impoſitum, acceperunt, aſſumentes ſibi regiam poteſtat̃, & ipſum regem regali ſua auctorit̃ (quant̃ū in eis fuit) priuant̃, adtunc & ibid' cum quodã cultello arripuerũt, et illud dictis falſis, fictis et cõtrafactis literis patent̃, decept̃ et proditor̃ appoſuerunt, et annexerunt, et eaſdem literas ſigillauer̃, ſigill' ill' ſubtilit̃ recludendo, quaſi ſic non feciſſent, et ſic magnum ſigillum domini regis ad tunc & ibidem prodit̃ cõtrafecer̃, et cum premiſſa ſic feciſſent, dictas falſas et contrafact̃ literas patentes, ac vt præd' ſigillatas, 8. die Mart̃ &c. apud villam de S. in comitatu M. ac in diuerſis locis eiuſd' com̃, tanquam literas patent̃ ipſius domini regis de protect̃, deceptor̃, falſo, et proditorie, publicauerunt, & diuerſas pecuniarũ ſummas, de diuerſis ligeis dñi reg. receperunt, virtute dictar̃ falſarum fictarum & contrafactarum literarum patent̃, in deceptiõ dñi regis, ac populi ſui preiudic', et exheredationem manifeſtam &c.

An indictment againſt a miniſter vpon the Statute of Anno 5. H. 8. for forgeing of an indenture of bargaine & ſaile of lands.

Sect. 119.

INquitatur pro domina regina, quod cum in ſtatuto in parliamento domini H. 8. nuper regis Angl' apud Weſtm̃ anno regni ſui quint̃, tent̃, ædit̃, &c. quod ſi aliqua perſona ſiue perſonæ quæcunque poſt primum diem Iunij tunc proxim̃ ſequentem, ex ſua propria mente & imaginatione, ſeu per falſam conſpirationem et fraudem, cum alijs, ſcienter, ſubtiliter, et falſo fabricaret ſiue faceret, ſiue ſubtiliter cauſaret, ſeu ſcienter conſentiret fabricari, ſiue fieri, aliquod falſum factum, chartam, ſeu ſcriptum ſigillatum, Rotul' curiæ, aut teſtamentum alicuius perſonæ, ſiue perſonarum in ſcriptis, ea intentione, quod ſtatus liberi tenementi, ſeu hereditatis alicuius perſonę, ſiue perſonar̃ de, in, aut ad aliqua terras, tenementa, ſeu hæreditamenta liberæ, tenurę, aut cuſtomar̃, vel rectum, titulus, ſiue intereſſe, alicuius perſonę, ſiue perſonarum, de, in vel ad eadem, ſiue aliquod eorum, moleſtari, perturbari, deſtrui, recuperari, vel onerari, poterit, aut contingeret, aut poſt pręd' primũ diẽ Iunij pronunciaret, publicaret, ſeu oſtenderet in euidentiam, aliquod tale falſum & effictum factum, cartam, ſcriptum, Rotul' curiæ, aut teſtamentũ, tanquam vera, ſciens eadem facta falſa ac ficta (vt præfertur) ad intentionem ſupramencionat̃, & inde foret cõuictus, aut ſuper aliquã actionem ſiue actiones fabricandi falſa facta, ſuper hoc ſtatut̃ fundand' ad ſectam partis grauatæ, vel aliter, ſecundum ordinem & debit̃ curſum legum huius Regni Angl', aut ſuper billam vel informationem in Curiam cameræ Stell' exhibend', iuxta ordinem & vſum Curiæ ill': ſolueret parti grauatæ, cuſtagia & damna ſua ad duplum, inueniend' ſeu aſſidend',

aſſidend', in curia vbi huiuſmodi conuictio foret: ac etiam ſtatueretur ſuper colliſtrigium in aliqua aperta villa mercatoria, aut alio loco aperto,& ibidē haberet ambas aures ſuas abſciſcas, ac nares ſuas interſciſſas & in partes diuiſas,& ferro igneo cauteriſatas,ſic quod remanere poſſent pro perpetua nota & ſigno falſitatis ſue, & foresfaceret dominæ Regiñ heredibus & ſucceſſoribus ſuis integr̄ exitus & proficua terrarum & tenementorum ſuorum durante vita ſua,ac etiam ſufferret & haberet perpetuum impriſonamentum durante vita ipſius, prædictis damnis & cuſtagijs recuperand' ad ſectam partis grauatæ (vt prefertur) primo ſolvendis & leuandis de bonis et catallis offendentis, & de exitibus & proficuis dictarum terrarum,tenementorum,& hereditamentor̄ huiuſmodi partis conuictæ, aut vnius ſeu vtriuſque eorum præd' titulo dict' dominæ Reginæ hered' vel ſucceſſorum ſuorum ad eadem, non obſtante, prout in eodem ſtatuto inter alia plenius liquet. Quidam tamē T.M. de C.in prędict' com̄ E.Clericus, ſtatutum præd' non ponderans, nec pœnam in eodem contentam verens, poſt præd' primum diem Iunij, ſcilicet &c.apud T.in prædict' comitatu E.ex ſua propriamente & falſa imaginatione,conſpiratione,et couina,quoddam falſum factum,viz.quand' Indenturam,per quam quidam T. A. barganizaret & venderet omnes illas terras & tenementa vocat̄ &c.cum pertiñ in T. in præd' comitatu E.cuidam I.S.ſcient̄,ſubtilit̄,& falſo fabricauit et fecit,& eandem Indēturam tunc et ibidem pronunciauit,publicauit,& legi fecit, & in euidētiam oſtendit,ad moleſtand', deſtruendum, & perturbandum ſtatum, poſſeſſionem,titulum & intereſſe præd' T.B.in terris & tenementis predict',per quod idem T.B.de poſſeſſione,titulo,et intereſſe ſuis, ad tenementa prædict' cum pertinentijs multipliciter pregrauat̄ & vexat̄ exiſtit,in dictæ dominæ Reg' legiſque ſue contemptum manifeſtum, & ipſius T. dampnum non modicum & grauamen, ac contra formam ſtatuti prædict' &c.

For foreſtalling the Market, and buying Saltfiſhe by the way in comming to the Market.

A INquiratur pro domina Regina quod cum R.N.de ciuitate N.in comitatu ciuit̄ N,mercator poſſeſſionatus fuit de mille ſalſament̄ vt de ſuis bonis proprijs,ſi I.T.de ciuitate N. præd' Fiſhmonger, tertio die &c.apud N.præd'in com̄ prædict' ciuit̄ N. & diuerſ.' alijs diebus tam antea quam poſt,præfat̄ R.N. tunc & ibidem obuiand' cum dictis mille ſalſament̄ in mercat̄ ciuitat̄ prædict' in comitatu præd' venditur̄ præd'mille ſalſament̄ de præfat̄ R.N.adtunc & ibidem extra mercatum ill' emit & forſtallauit,per quod,præd' R.N.prædict' mille ſalſament̄ ad mercat̄ p̄d̄ non adduxit in contempt̄ dñæ Reg',ac contra formam diuerſor̄ ſtatut̄ in hm̄di caſu edit̄ & prouiſ,ac contra pacem dictæ dñæ Reginæ. Sect' 120.

An

An Indictment vpon the ſtatute of Anno 33.H.8. againſt a Tipler for keeping of a common bowling Alley, and againſt diuers others for vſing to bowle in the ſame Alley.

Sect' 121. IVratores pro domina Regina preſentant, quod A.B. de C. in comitatu E. Tipler, ſecundo die Septembris Anno &c. & continue poſt dictum diem Anno ſupradicto, vſque primum diem menſis Octobris, Anno ſupradicto apud C. prædictam in comitatu E. prædict', quendam cómunem locum iaciendi globos (vocatum Anglice, a common bowling Alley) pro lucro ipſius A.B. proprio, & ad ludendum tunc ibidem cum globis (Anglice vocatis Bowles) illicite tenuit, cuſtodiuit, ac manutenuit, contra formam cuiuſdam ſtatuti in Parliamento domini Henrici nuper regis Angliæ 8. tento anno regni ſui 33. in huiuſmodi caſu prouiſi & editi: Et quod I.S. de O. prædict' in dicto comitatu E. Labourer, & tres aliæ perſonæ ignotæ, dicto ſecundo die Septembr̄ anno ſupradicto, dictum communem locum vſitauerunt, ac tunc ibidem cum globis (Anglice vocatis Bowles) inſimul & illicite luſerunt, contra formam ſtatuti prædicti &c. A

An Indictment vpon the ſtatute of Anno 8.H. 5. for gilding of the hilt of a dagger with the fineſt gold.

Sect' 122. IVratores pro domina Regina preſentant, quod A.B. de S. in dicto comitatu E. Aurifaber, ſecundo die Iulij Anno &c. 35. apud S. prædictã in comitatu E. prædicto, quoddam manubrium pugionis ferrei (Anglice dictum a dagger hilt of yron) cuiuſdam E.D. de S. prædicta in dicto comitatu E. yeoman, valoris duorum ſolidorum, auro puriſſimo ad valentiam quinque ſolidorum deaurauit (Anglice did guild with the fineſt Gold) in magnum Reipublice detrimentum, ac contra formam cuiuſdã ſtatuti in Parliamento domini H. nuper Regis Anglie quinti, tento Annũ regni ſui octauo in hm̃di caſu prouiſi & editi. A

An Indictment againſt a Blackeſmith, for ſelling of a gelding to a Scot to be conueied into Scotland without the Queenes licence.

Sect' 123. IVratores pro domina Regina preſentant, quod quarto die menſis Iulij, Anno regni dict̄ dñæ noſtr̄ Eliz. Dei gratia Angliæ Franciæ, & Hyberniæ Reg. fidei defenſoris &c. Triceſimo quarto A.B. de C. in comitatu E. Blackſmith, apud quendam locum vocatum le Ferrie (in C. predicta in Comitatu E. prædicto exiſtentem (vnum ſpadonem (Anglice dictum a Gelding) coloris albi, & prætij quatuor librarum legalis monetæ Angliæ, cuidam A.D. generoſo (natione homine Scoto) pro ſumma quatuor librarum in pecunijs numeratis prædicto A.B. per prefatũ A.D. tunc ibidem ſolutis voluntarie vendidit. Ac tunc & ibidem, eundem equum eidem A.D. ea intentione ad equum prædictum in regnũ A

Scotiæ

Scotiæ abducendum & conueiandum (absque aliqua speciali licentia dictæ dominæ Reginæ nostræ nunc, per literas suas patentes sub magno Sigillo Anglie ad idem sic faciendum inde prius obtenta) voluntarie & felonice tradidit ac deliberauit, contra pacem dictæ dominæ Reginæ nostræ nunc, ac in eneruationem huius regni sui Angliæ, necnon contr̃ formam diuersorum statutorum in huiusmodi casu preantea prouisorum & editorum.

For beating of two Horses, of which beating the one of them died presently, and the other was sore hurt.

A INquiratur &c. si E. H. &c. decimo die &c. vi & armis, viz. &c. duos equos coloris albi, præcij &c. de bonis & catallis cuiusdam I. F. apud M. in præd' comitatu E. inuent̃ quodam baculo percussit & verberauit, in tantum quod vnus equus equorum prædict' ex percussione & verberatione illi⁹, ibidem incontinenter interijt, alterque equor̃ præd' multipliciter fatigat̃ læsus & deteriorat̃ existit. Et alij enormia eidem I. F. intulit ad graue damnum ipsius I. F. & contra pacem dictæ dominæ Reginæ &c. Sect' 124.

An Indictment vpon the Statute of Anno 13. E. 1. against the inhabitants of a Towne for the not taking of such persons which had robbed one of C. li. the partie robbed making Hue and crie, and giuing notice to the inhatants of the same Towne of the robbery.

A INquiratur pro Domina Regina, quod cum in Statuto in parliamento domiñ E. nuper Regis Angliæ primi, progenitoris dñæ Reginæ nũc, apud Winton, Anno regni sui xiij. tenť, ædit̃, inter cetera ordinat̃ sit, pro eo quod, de die, in diem roberie, homicidia, incendia domorum, & latrocinia, plus solit̃ tunc fiebant quam antea solebant, & felones non potissent esse attinct' per sacramentum Iurat̃, qui magis voluntarie permittebant felonias fieri gentibus extraneis, & felones euadere absque pæna, quam malefactores Indictari, vbi maior pars fuerunt gentes de eadem patria, vel ad minus, si malefactores fuerunt de alia patria, eorum receptores fuerunt de visu, vbi huiusmodi malefacta fiebant, & hoc faciebant, pro eo quod sacramenta eisdem Iurator̃ non ministrabantur, nec in patria vbi felonie ille fiebant, & quoad restitutionem damnorum, pena ante nunc, non fuit prouis. pro concelament̃ & negligentia suis. Idem nuper Rex pro posse huiusmodi felonias debilitand' & decrescend' stabiliuit penam in illo casu, ita quod exinde magis pro timore pene quam pro pauore sacrament̃, nullis felonibus extunc parcerent, nec aliquis felonias extunc concelaret, & quod proclam̃ fierent in omnibus Comit̃, hundred', mercat̃, ferijs, & omnibus alijs locis vbi multitudo gentium foret assemblata, sic quod nulli per ignorantiam se possint excusare, & quod quelibet patria extunc sic possit custodiri, quod instanter Sect' 125.

inſtanter poſt roberias & felonias factas, recens inſecuſ fieret de villa in villam, de patria in patriam, et etiam inquiſitiones fierent, ſi neceſſe foret, in villis, p ipſum qui dominus vel ſuperior eſſet in villa, & poſtea in hundred'et franchefia, & in comitatu, & aliquando in duobus, tribus, vel quatuor coñ, in caſu quando felonie facte fuer̃ in Marchijs & confinijs coñ, ita quod malefactores potuiſſent eſſe attincti. Et ſi patria de corporibus huiuſmodi malefact' non reſponderet, pena talis eſſet, quod quelibet patria, ſcilicet homines in patria commorantes, reſpõderent de roberijs factis & damñ, ſic quod totum hundred', vbi roberia facta fuit, cum franchefijs, que eſſent infra precinctum eiuſdem hundredi reſponderet de roberijs factis. Et ſi roberia foret in diuerſis duorum hundredorum, in huiuſmodi caſu reſponderent inde ambo hundreda, ſimul cum franchef. que forent infra precinctum hundred' prædict', et longioris tẽporis ſpacium non haberet patria poſt roberiam et felonias factas, quàm xl. dierum, infra quos faceret emend' de roberia vel de malefactis, vel reſponderet de corporibus malefactorum, prout in ſtatuto prædict' plenius continetur. Ac cum quidam malefactores ignoti 3. die M. Anñ &c. apud N. in comitatu E. prædict', que quidem villa eſt infra hundredum de H. vi & armis, videlicet, gladijs, baculis, & cultellis, in quendam O. C. inſultum fecerunt, et centum libras de denarijs ipſius O. ibidem inuent̃, felonice ab eodem O. ſpoliauerunt, ceperunt et aſportauerunt contra pacem &c. vt alibi, Ac idem O. quam potuit citiſſ. poſt feloniam et ſpoliationem prædict̃ factas, ſcilicet 4. die M. Anno &c. ſupradicto apud N. prædict̃, per totam eandem villam, hutefium et clamorem de roberia prædicta fecit, & noticiam ibidem inhabitantibus eiuſdem ville de roberia illa dedit, et poſt roberiam xl. dies iam preterierunt. Ijdem tamen inhabitantes emend' de roberia prædict̃ fact̃ O. hucuſque non fecerunt, nec corpora felonum et malefact̃ prædictorum ceperunt, neque de corporibus eorum huſuſque reſponderunt, ſed malefactores et felones illos euadere permiſerunt, in dictæ dominæ Reginæ nunc contemptum, et ipſius O' graue damnum, et contra formam ſtatuti prædict̃ &c.

An Indictment againſt diuers perſons vpon the ſtatute of 1. H. 7. *for hunting by night, in one of the Queenes parkes, and killing of a brace of Buckes with Croſſebowes, and denying of the ſame vpon their examinations.*

Sect' 126. IVratores pro domina Regina preſentant, quod ſecundo die Auguſti, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Anglię, Franciæ, & Hyberdiæ Reginæ, fidei defenſoris &c. Triceſimo quinto, inter horas decimam & vndecimam in nocte eiuſdem diei, A. B. de C. in dicto comitatu E. generoſus, D. E. & G. H. de F. in dicto comitatu E. Huſbandman, agregatis ſibi nonnullis alijs malefactoribus ignotis, ad numerum ſex perſonarum, vi et armis, videlicet, prælongis baculis, arcu- A

baliſtis,

baliſtis,& ſagittis, clauſum & parcum dictæ dominæ Reginæ noſtræ apud O.in dict' comitatu F. fregerunt,intrauerunt, & vnum par demarũ dictæ dominæ Reginæ (Anglice vocaẽ a ỳlace of Buckes) in dicto p-co adtunc & ibidem depaſcentẽ inuentẽ illegitime venati ſunt, ac cum duobus ſagittis ex dictis arcubaliſtis emiſſis, & ſagittatis, adtunc & ibidem occiderunt,et aſportauerunt, contra pacem dictæ dominæ Reginæ: Ac quod poſtea, die ſequente, viz. tertio die dicti menſis Auguſti, Anno ſupradicto,T.S.tunc parcarius dictæ dominæ Reginæ dicti ſui p-ci de O.prædicta in comitatu E. prędicto,informauit apud C. prædictã T.W.vnum Iuſticiariorum pacis dictæ dominæ Reginæ in dicto comitatu E. prædicte,de illicita venatione prædicta, modo & forma prædictis facta,qui quidem Iuſticiarius ſuperinde warrantum ſuum in ſcriptis, poſtea videlicet, dicto tertio die Auguſti,Anno ſupradicto direxit cuidã K.M. vni Conſtabulariorum Hundredi de S. in comitatu E. prædicto (in quo quidem hundredo ſite ſunt prædictẽ villæ de C.& F.)eo tenore, vt idem Conſtabularius arreſtaret prænominatos A.B.D. E.& G.H. ac eoſdem coram eodem Iuſticiario duceret & haberet,ad eos de dicta illicita venatione examinandum. Et quod dicti A.B.D.E. & G.H. poſtea, ſcilicet dicto tertio die Auguſti Anno ſupradicto,coram dicto Iuſticiario apud C.prædictam in comitatu E. prædicto per Conſtabularium prædictum virtute dicti warranti adducti, ac per eundem Iuſticiarium per ſuam diſcretionem adtũc & ibidem de dicta illicita venatione,& de factoribus in ea parte examinati exiſtentes, prædictam tamen venationem voluntarie & felonice concelauerunt, & eorum quilibet voluntarie & felonice concelauit:Contra pacem dictæ dominæ Reginæ,coronam & dignitatem ſuas,necnon contra formam cuiuſdam ſtatuti in Parliamẽto domini H.nuper Regis Angliæ ſeptimi tento, Anno regni ſui primo in huiuſmodi caſu prouiſi ac editi.

An other Indictment againſt diuers perſons for hunting in a parke in the night time,with iij. greyhounds and for killing a Bucke, and for vſing in the ſame parke a nette called a Buckeſtall.

A INquiratur pro domina Reginã,ſi E.P.de C.in comitatu G. genã, H.P. de C.in comitatu prædictẽ genã, & R.B. de C. in comitatu præd' yeoman,xxx.die Auguſti, Anno &c.circa horam duodecimam in nocte eiuſdem diei,agregaẽ ſibi quamplurẽ alijs malefactoribus, & pacis dictæ dominæ Reginæ perturbatoribus ignotẽ, vi & armis, viz. baculis ferro munitẽ arcubus,ſagittis,pugionibus & cultellis, & alijs armis tam inuaſiuis quã defenſiuis, clauſum & parcum Elizab. P.viduæ apud H. Sancti Georgij in com̃ præd', iniuſte fregerẽ & intrauerẽ, & damas ipſius Eliz. adtunc & ibidem in parco præd' cubant & depaſcentẽ,cum tribus canibus leporarijs vocatẽ Greyhounds, & vno rete vocatã a Buckſtall, quod Sect' 127.

in

in parco prædict' tenend', iniuſte venat̃ ſunt & chaſiauer̃, & vnam damam vocat̃ a Buck adtunc & ibidem cum canibus prædict', riotoſe ceperunt, occider̃, & aſportauerunt, contra pacem dictæ dominæ Reginæ, ad graue damnum ipſius Elizab. & contra formam ſtatuti in huiuſmodi caſu edit̃ & prouiſ.

An Indictment againſt diuers for chaſing of a Bucke in one of the Quenes Foreſtes with a greyhound into coards, where he was hanged and killed.

Sect' 128. INquiratur pro domina Regina, ſi R.M. nuper de O. in comit̃ D. yeoman, R.P. nuper de P. in com̃ D. prædict' yeoman, xxix. die Auguſt' anno &c. foreſtam dictæ dominæ Reginæ de M. in com̃ D. prædict' freger̃ & intrauer̃, & vnam damam vocat̃ a Bucke ad valenc' x. s. adtunc & ibidem inuent̃, ſine licentia & voluntate dictæ dominæ Reginæ, cum cane leporario vocat̃ a Greyhound, fugauer̃ & chaſiauer̃, & dictam damam apud R. infra precinct' foreſte prædict', cum fuibus Anglice vocat̃ Halters ſuſpend' & occider̃, & ipſam damam ſic ſuſpenſ. & occiſ. iniuſte ceper̃ & aſportauer̃, contra pacem dictæ Dominæ Reginæ &c. vt ſupra. A

An Indictment againſt a Laborer vpon the ſtatute of Anno 13. R. 2. for keeping of a greyhound to courſe Hares and Conies, and for killing of a Conie with his greyhound in a Conie garth, not hauing landes to the va- of xl. s. by yere.

Sect' 129. IVratores pro domina Regina preſentant, quod A.B. de C. in comitatu E. Labourer (homo laicus exiſtens) a feſto S. Bartholm̃ Apoſtoli, Anno regni dominæ noſtræ Elizab. Dei gratia, Angliæ, Franciæ, & Hiberniæ Reginæ fidei defenſoris &c. Triceſimo quarto continue vſque in hunc preſentem diem, ſcilicet decimum diem Decembris tunc proxim̃ ſequen̄ apud C. prædictam, in comitatu E. prædicto, habuit & cuſtodiuit vnum canem (Anglice vocatum a Greyhound) ad venandum & chaceandum lepores & cuniculos: Et quod idem A.B. viceſimo ſeptimo die menſis Auguſti, Anno ſupradicto vnum cuniculum valoris 4. d. in quodam clauſo I.S. de C. prædicta in dicto comitatu E. generoſi (vocato the Coniegarth) infra parochiam de C. prædictam in dicto comitat̃ exiſtent̃ cum dicto cane venatus eſt, & occidit, vbi idem A. B. nunquam habuit terras aut tenementa, ad clarum annuum valorem quadraginta ſolidorum: In dictæ dominæ Reginæ contemptum, ac contra formam cuiuſdam Statuti in parliamento domini Richardi, olim Regis Angliæ ſecundi, tento Anno regni ſui tertio decimo, in hoc caſu prouiſi ac editi. A

An Indictment vpon the ſtatute of Anno 38. E. 3. againſt diuers Iurors in an Aſſiſe for taking of rewardes to giue their verdict, and alſo againſt an imbraceour in the ſame Aſſiſe.

A IVratores preſentant pro domina Regina, quod A.B.C.D.E.F.G.H. &c. complices I.K. naming all the Iurors) &c. Iurat̃ in quadam aſſiſa nouæ diſſeiſinæ (que nnper ſummonita fuit coram dilectis & fidelibus dictæ dominæ Reginæ I.B.I.C.& N.C. nuper Iuſticiarijs dictæ dominæ Reginæ nunc, ad Aſſiſam illam capiendam, per Breue ipſius dominæ Reginæ inter W.S.& I.H. de tenementis in N. in prædicto comit̃ E.& poſtmodum (viz. die Lune &c. Anno &c. coram prefatis I. B. I.C. &c. apud M. in comit̃ E. prædict' per breue ipſius dominæ Reginæ ſi nó omnes capt̃ poſit̃) pro veredicto ſuo in hac parte dicendo, de pref. I.H. diuerſas pecuniarum ſummas, videlicet A.B. de prædict' I.H. xl.s. & alia dona, ſcilicet panem, carnes, & vinum ad valentiam xx. ſolid' illegitime ceperunt. Et prædictus I. K. (Imbraciator eiuſdem Aſſiſe ad eandem ducendam & procurandam) de prenominato W. S. ſummam x marcarum, viceſimo die Auguſti, Anno regni dictæ dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernię, Reginæ, fidei defenſoris &c. Triceſimo quinto apud M. predictam, in comitatu E. predicto, illegitime ceperunt. In dicte domine Regine nunc contemptum, ac cõtra formam cuiuſdam ſtatuti in Parliamento domini Edw. olim Regis Anglie tertij, anno regni ſui triceſimo octauo tento, in huiuſmodi caſu, prouiſi ac editi. Sect' 130.

An other Indictment vpon the ſtatute of 38. E. 3. againſt Iurors for taking rewardes for to giue their verdict in an Aſsiſe: reciting of the ſaide Statute.

A IVratoꝝ dicunt, quod vbi in Parliamento domini E. nuper Regis Angl' 3. progenitoris domine Regine nunc, Anno regni ſui xxxviij. tenꝫ, inter cetera concordat̃ exiſtit, quod ſi aliqui Iurꝫ in Aſſiſa Iurꝫ, ſeu aliquibus inquiſitionibus capiend', inter dominum regem & partem, vel inter partem & partem, quicquid capiant, per ipſos, vel per alios, de parte conquerentꝫ, vel defendentꝫ, pro veredicto ſuo dicendo, & ſuper hoc, per proceſſum in quodam articulo de Iurꝫ, anno regni eiuſdem domini Regis xxxiiij. factum conuincantꝫ, ſiue ſit ad ſectam partis, aut alterius cuiuſcunque perſone, qui pro domino rege, aut pro ſeipſo proſequi voluerit, ſoluat quilibet dictorum Iurꝫ Decies tantum quantum ipſe recepit, & habeat ille qui ſectam produxit, vnam medietatem, & dominus rex alteram medietat̃, & quod omnes imbraciatores ducentꝫ & procurantꝫ tales inquiſitiones in patria, pro lucro vel proficuo, puniantꝫ eiſdem modo & forma, ſicut Iurꝫ. Et ſi Iurꝫ vel imbraciator ita conuictus, non habeat vnde in forma predicta ſatisfacere poſſit, hab[illegible] Sect' 131.

im[illegible]

impriſonamenť vnius anni, prout in ordinatione & concordia prædictis continetur. Quidam T.H. & I.B. & I.C. Iurať in quadam aſſiſa noue diſſeiſine, que nuper ſumm̃ fuit coram dilectis & fidelibus dominæ Reginę I.A.I.C. & D.E. nuper Iuſtic' dominæ reginæ nunc, ad aſſiſam illam capiend' aſſign̄, per breue ipſius dominæ Reginæ nunc, inter W. S. de L. & I.P. de ten̄ in R. & S. Et poſtmodum, videlicet die Anno &c. coram prefať I.A.I.B. & I.C. apud W. per breue dictæ dominæ Reg' ſinon omnes capť, poſiť pro veredicto ſuo in hac parte dicendo, de pref. I.H. diuerſas pecuniarum ſummas, viz. præd' T.H. xl.d., prædicť I.B. xl.s. & præd' I.C. quinque marcas xx. die Oct', Anno &c. apud &c. ceperunt, in dictæ dominæ Reg' nunc contemptum, ac contra formam ordinationis & concordie præd' &c.

For incloſing of an old common lying to a Towne vpon the which Common the inhabitants of the ſaid Towne haue vſed to haue Common for all maner of beaſts the whole yere.

Sect' 132. IVrať preſentant quod eſt, & a tempore quo non extat memoria fuit, A & eſſe conſueuit, apud villam de A. in com̃ M. quedam antiqua communia voc' M. eidem ville adiacens, ac per ſpacium vnius milliarij ab eadem villa extendens, pro omnibus hominibus & tenent̄ infra villam prædicť moram trahentibus, cum bobus, afris, porcis, bidentibus, & alijs auerijs ſuis, per totum annum infra communiam prædicť depaſcend', quodque omnes illi infra villam prædictam moram trahentes, a tempore quo memoria hominum non exiſtit, infra villam prædictam, communiam pro auerijs ſuis prædictis ibidem habere debuerunt & conſueuerunt, quouſque R.C. cum alijs ignotis de couina ſui ei aſſociatis vi & armis, ſcilicet gladijs, baculis, falcaſtris, arcubus & ſagittis, die &c. anno &c. apud E. in parochia de A. prædict', de communia præd', iniuria ſua propria, & abſque titulo, clameo, ſeu poſſeſſione per ipſos habitis, 1000. acr̄ ibidem, cum ſepibus & foſſatis ſibi incluſit & obſtipauit, & illas ſic incluſas & obſtipať, vt ſeperale ſolum ſuum a prædicto die &c. vſque &c. tenuit et occupauit in preiudicium et damnum nocumentum et impedimentum omnium hominum et tenentium predictorum, infra communiam præd' communiam habentium, necnon contra conſuetud' p̄d et contra pacem dicte dominæ Reginæ &c.

For ingroſſing of Barley growing vpon the ground, to the intent to ſell it againe.

Sect' 133. INquirať pro dña Regina ſi A.B. de M. in com̃ N. die et anno &c. apud A M. in paroch. Sancti Iohannis infra Ward Berſtret, in comitať ciuitať N. emiſſet totum hordeum creſcen̄ ſuper viginti acras terr̄ apud M. in pred' com̃ N. ad intentionem dictum hordeum reuend' contra formam

ſtatuti

ſtatuti in huiuſmodi caſu editi & prouiſi, ac contra pacem dictæ dominæ reginæ &c.

For buying and ingroſſing of 40. quarters of wheate, to the intent to ſell it againe.

A INquiratur &c. ſi I.C. de N. Dier, tertio die & anno &c. apud N. in coñ N. ac diuerſis alijs diebus, tam ante quam poſt, diuerſa grana, videlicet 40. quarteria tritici &c. ad valenc', &c. emit & ingroſſ. et in manibus ſuis tenuit, ea intentione ad reuend' grañ prędict̃, contra formam ſtatuti in huiuſmodi caſu editi & prouiſ. in contempt̃ &c. ac contra pacem dict̃ę dominæ reginæ &c. Sect. 134.

For not keeping a light horſe.

A IVratores pro Domina Regina præſentant, quod vbi A.B. de C. in comitatu E. generoſus, a primo die Iunij, anno regni dictæ Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, vſque in hunc præſentem diẽ, ſcilicet primum diem Maij, anno xxxiiij. ſupradict̃ terras & tenementa in C. prædicta, in dicto comitatu E. eidem A.B. & hæredibus ſuis in feodo ſimplici, ad clarum annuum valorem centum marcarum & amplius vltra omnes repriſas habuerit, ac tenuerit: Idem tamen A.B. per totum tempus prædictum, viz. a dicto primo die Iunij, Anno ſupradicto vſque nunc, nullum habuit cuſtodiuit, manutenuit, aut ſuſtinuit equum caſtratum (Anglice dictum a Gelding) habilem & idoneũ pro leuis armaturæ equite (Anglice, able and meete for a light Horſeman) in dictæ Dominę Reginæ contemptum, ac in magnam huius regni ſui Angliæ eneruationem, necnon contra formam cuiuſdam Statuti, in Parliamento Philippi & Mariæ nuper regis & reginæ Angl', tento apud Weſtm̃ annis regnorum ſuorum quarto & quinto, in huiuſmodi caſu prouiſi ac editi. Sect. 135.

For Batterie and Mayheme, by cutting of the right thumme.

A IVratores præſentant pro Domina Regina, quod tertio die Septembris, Anno regni Dominæ noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ, Reginę, fidei defenſoris &c. Triceſimo quinto A.B. de C. in comitatu Staff. Taylor, vi & armis quoddam clauſum cuiuſdam I.S. apud C. predictam, in comitatu predict̃ fregit & intrauit, & in dictum I.S. tunc ibidem in pace Dei dictæ Dominæ Reginę exiſtentem, inſultum & affraiam fecit, ac cum gladio diſtricto, ad valentiam decem ſolidor̃, quem dictus A.B. tunc ibidem in leua manu ſua tenuit, eundem I.S. crudeliter verberauit, ac dextrum pollicem dicti I.S. tunc ibidem vno ictu amputauit, ac ſic eundem I.S. nequiter & felonice tunc ibidẽ mahemauit, ad graue incõmodum ipſius I.S. ac cõtra pacem dictæ Doñ Reg. noſtræ, coronam & dignitatem ſuam. Sect. 136.

For Maintenance vpon the ſtatute of Anno 31. H. 8. againſt one maintaining in an action of debte.

Sect. 137. IVrat̃ præſentant, quod cum in ſtatuto in parliamento Domini H. A
nuper Regis Angl' 8. apud Weſtm̃. xxviij. die Aprilis, anno regni ſui
31. inchoat̃, tent̃, & ibidem per diuerſas prorogationes, vſque xxv. diem
Maij, Anno regni ſui 32. prorogat̃ & continuat̃, et tunc ibidem tent̃
per dictum dominum regem, cum aſſenſu dominorum ſpiritualium &
temporalium ac communitatis in eodem Parliamento congregat̃ nec-
non auctoritate eiuſdem Parliamenti, inter alia adtunc & ibidem inac-
titat̃ exiſtit, Quod nulla perſona ſiue perſonæ cuiuſcunq; ſtatus, gra-
dus, ſiue conditionis, ipſe vel ipſi, fuerit, ſiue fuerint, extunc de cætero il-
licite manuteneret ſiue manutenerent, aut cauſaret ſiue cauſarent, pro-
curaret ſiue procurarent, aliquam illicitam manutenentiam, in aliqua
actione, demanda, ſecta, ſiue quærela in aliqua Curia Domini Regis,
Cancellariæ, cameræ Stellatæ, albæ Aulæ, aut alibi infra aliqua domi-
nia Regni Angl' vel Walliæ, ſiue in Marchijs earũdem, vbi aliqua per-
ſona ſiue aliquæ perſonæ habent, ſeu extunc imposterum haberent au-
ctoritatem virtute commiſſionis Domini Regis ſuarum literarum pa-
tentium, vel breuis ad tenend' placita terræ, vel ad examinandum, audi-
endum, ſiue determinãdum aliquem titulum de terra, ſiue aliquam ma-
teriam, vel teſtes concernent̃ titulum, ius, vel intereſſe, aliquarum terra-
rum, tenementorũ, ſiue hæreditamentorum: Ac etiam quod nulla per-
ſona ſiue perſonæ cuiuſcunq; ſtatus, gradus, vel condicion̄, ipſe vel ipſi,
fuerit ſiue fuerint, extunc in futuro illicite retineret ſiue retinerent, pro
manutentione alicuius ſectæ ſiue placiti aliquam perſonam, aut aliquas
perſonas, ſiue imbraſiaret vel imbraſiarent aliquos liberos tenentes vel
iuratores, aut ſubornaret aliquos teſtes per literas, munera, promiſſa, ſiue
aliquem alium ſiniſtrum laborem vel medium, ad manutenendam ali-
quam mater̃ ſiue cauſam, aut ad diſturbationem vel impedimentum
Iuſtitiæ, vel ad procurationem ſiue occaſionem alicuius periurij per fal-
ſum veredictum, aut aliter in aliquibus curijs antedictis, ſub pæna fo-
risfaciendi pro qualibet huiuſmodi offenſa x.li. quarum vna medietas
eſſet domino Regi, altera vero illi qui pro eadem proſequi voluerit per
actionem debiti, billam, quærelam, ſiue informationem, in aliqua Cu-
ria dicti domini Regis, vbi nullum eſſon̄, protect', vadiac' legis, ſiue in-
iunctio allocabitur, prout in ſtatut̃ prædict' inter alia plenius contine-
tur. Quidam tamen T. L. ſtatut̃ prædict' minime ponderans, quandam
actionem quæ fuit in curia dominæ Reginæ, coram Iuſticiarijs ſuis de
banco, inter quendam R. B. quærent̃, & quend' T. D. de placit̃ debiti,
pro parte dicti R. B. verſus præf. T. D. xxvij. die Iunij, Anno regni dñæ
noſtræ Eliz. nunc Reg. Angliæ xxxv. apud S. in præd' comitat̃ E. manu-

tenuit

tenuit & ſuſtentauit, in Iuſticiæ manifeſtam retardationem, & diſturbãtiam, ac in dictæ dñæ Reginæ nunc contemptum & præd' T.D, graue damnum, ac contra formam ſtatuti prædict' &c.

For Manſlaughter by chancemedley, in thruſting of one into the bellie with a long ſharpe piked ſtaffe.

A IVratores præſentant pro domina Regina, quod A.B. de C. in dicto comitatu E. Shoomaker decimo ſexto die Septembris, Anno regni dictæ dominę noſtræ Elizabethæ Dei gratia Angl', Franciæ, & Hybernię Reginæ, fidei defenſoris, &c. Triceſimo, apud C. predict', in comitatu præd' E. quendam E.F. nuper de C. predicta, in comitatu E. præd' Weauer (cui tunc ibidem fortuito & caſu obuiam venit) contumelioſis verbis laceſſiuit, ac in eũdem E.F. tunc & ibidem, in pace Dei ac dictæ Dñę Reginæ exiſtentem, vi & armis inſultum fecit, & ventrem dicti E.F. tunc & ibidem cum baculo longo, cuſpide pra acuta capitato (Anglice vocato a long ſharpe piked ſtaffe) quem idem A. B. tunc ibidem in manibus ſuis tenuit, felonice pupugit & perfodit, dans eidem E. F. vulnus mortale in dicto ventre ſuo, latitudinis vnius pollicis, & profunditatis ſeptem pollicium, de quo quidẽ mortali vulnere idem E.F. tunc ibidem inſtanter obijt ac interijt: contra pacem dictæ dominæ Reginæ nunc, & contra coronam & dignitatem ſuas. Sect. 138.

For Manſlaughter.

A INquiratur pro dña Regina ſi R.S. nuper de D. in comitatu E. præd' Yeoman 19. die Decemb. Anno &c. vi & armis viz. in quendam T.C. cum quodam candelabro ad valenc' xij.d'. quod idem Rich. in manu ſua dextera adtunc & ibidem tenuit, eundem T. ſuper caput ſuum felonice percuſſit, dans eidem T. adtunc & ibidem vnã plagam mortalem, poſteaq; idem Rich. corpus eiuſdem T. adtunc & ibid' ad terrã proſtrat manibus genibuſq; ſuis tam dire & violenter quaſſauit, ita quod pd' T. de plaga & quaſſationẽ prædict' inſtanter interijt, & ſic predict' R. præd' T. modo & forma præd' adtunc & ibidem felonice interfecit, contra pacẽ dictæ Dominæ Reginæ, coronam &c. vt alibi. Sect. 139.

For ſaying and hearing of Maſſe, contrarie to the Statute of 23. of Elizab.

A IVratores præſentant pro Domina Regina, quod I.R. nuper de C. in comitatu prædicto E. clericus 8. die Aprilis, Anno regni dictæ dominæ noſtrę Elizabethæ dei gratia, Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quartẽ, apud C. prædictam in comitatu prædicto E. voluntarie dixit, & celebrauit vnã miſſam contra formã cuiuſdam ſtatuti in Parliamento dictæ Dominæ noſtrę Reginæ tento apud Weſtmonaſterium in comitatu Middleſexiæ, anno regni ſui viceſimo tertio in hoc caſu prouiſi & editi, & contra pacem dictæ dñę reginæ, coronam, & dignitatem ſuam: Et quod Maria B. de C. prędicta Sect. 140.

in comit predicto E. vidua, dicto 8. die Aprilis anno ſupradicto apud C. prædictam, in comitatu prædicto, E. interfuit præſens tempore dictæ celebrationis miſſæ predictæ, ac eandem miſſam (ſic vt prefertur dictam) adtunc & ibidem voluntarie audiuit, contra formam ſtatuti pred', ac contra pacem, coronam & dignitatem dictæ Dominæ Reginę noſtræ.

An indictment vpon the Statute of Anno 1. of the Queene, againſt a Prieſt for ſaying of Maſſe in the veſtrie of a Church, and for vſing in the celebration of the Lords ſupper other rites and ceremonies then is appointed in the booke of Common praier in Anno 5. & 6. E. 6. and againſt 2. others for hearing of the ſame Maſſe.

Sect. 141. INquiratur pro domina Regina, ſi G. C. nuper de E. in comitatu E. Clericus, xxvj. die Martij, &c. apud E. predict, in comitat E. predict, in quodam loco ibid' vocat the Veſtrie houſe, iuxta Eccleſiam parochialem de E. pred', in comitatu E. pred', voluntar vſus fuit priuato alio ritu, ceremonia, forma, & modo celebrationis cænæ dominicæ voc' the Lords ſupper, quam in quodam Libro intitulat, Liber communis precationis & adminiſtrationis ſacramentorum & aliorum rituum & ceremoniarū Eccleſiæ Anglicanæ, auctorizat per actum parliamenti tent in annis quinto & ſexto Reg. Domini Edwardi nuper Regis Angliæ ſexti, declar & mencionat exiſtit, videlicet dicend' & celebrand' vnam priuatam Miſſam, contra formam ſtatuti in parliamento dictæ dominæ reginæ nunc apud Weſtm anno regni ſui primo tent edit & prouiſ. & contra pacem eiuſdem dominæ Reginæ, coronam &c. vt alibi. Et ſi T. B. nuper de B. in comitatu predicto Yeoman, & I. M. nuper de W. in comitatu predict Labozer, die & anno ſupradictis, apud W. predidictam in comitatu predicto, tempore celebrationis predict, cænę Dominicæ modo & forma predict, fuerunt preſentes, & voluntarie audientes Miſſam predict in forma pred' dictam & celebratam contra formā ſtatuti pred', ac contra pacem &c. A

For counterfaiting and vttering of money, one being acceſſorie to the ſame after the offence committed.

Sect. 142. IVratores pro Domina Regina præſentant, quod T. S. de W. in comitat E. Taylor, machinans dictam Dominam Reginam, & populum ſuum callide & proditorie decipere, 20. die menſis Decembris, Anno regni dictæ Dominæ noſtrę Elizabethæ, Dei gratia Angl', Franciæ, & Hyberniæ, Reginæ, fidei defenſoris, &c. Viceſimo nono, vnam peciam monetæ apud W. predictam, in comitatu predicto E. de Stanno & alijs mixtis metallis, ad inſtar & ad ſimilitudinem, bonæ & legalis monetæ & cunei dictæ Dominæ noſtræ huius regni ſui Angl' (vocat A

(vocat' Angl' a shilling, or peece of twelue pence) falso & proditorie fabricauit, cudit & controfecit: posteaque, videlicet, dicto die 20. Anno supradicto, eandem peciam (sic vt præmittitur, falso, & proditorie fabricatam & controfactam) diuersis ligeis dictæ Dominæ Reginæ, pro vera & legitima moneta huius regni sui Angliæ apud W. prædictam, in comitatu E. predicto, falso & proditorie exposuit & vtterauit. In magnã subditorum dictæ Dominæ nostræ deceptionem, ac contra pacem dictę dominę nostræ, coronam, et dignitatem suam, necnon contra formam diuersorum statutor in eiusmodi casu prouisorum & editorum. Et quod M. (vxor T. A. de W. pred' in dicto comitatu E. generosi) sciens prænominatum T. S. proditionem prædictam modo et forma pred', fecisse, & commisisse, eundem tamen T. S. postea, videlicet, secundo die Febr, Anno supradicto apud W. prædictam, in comitatu E. prædict, receptauit, et comfortauit, ac proditionem predict' concellauit, contra pacem dictæ dñæ Reginę nunc, coronam & dignitatem suam.

Against counterfaiting and vttering of money and gold.

A INquiratur pro Domina Regina si, R.W. nuper de H. in comitatu E. Smith, I.L. nuper de C. in pred' comitatu E. Glouer, & T.B. nuper de D. in pred' comitatu E. Yeoman, Deum prę oculis suis non habẽres, sed instigatione diabolic' seduct' machinantesq; dictam Dominam Reginã, & populum suum callide, falso, deceptiue, et proditor decipere, et defraudare, duodecimo die Martij, Anno Reginæ dñæ Elizab. &c sexto, sex pecias Monet apud B. predict in comitatu predict E. de cupro et alijs mixtis metallis, ad instar et similitudinem bonæ legalis et curren Monet & cunei dictæ Dominę reginæ huius regni sui Angliæ, anglice vocat shillings, necnon duas pecias e cupro ære et alijs mixtis metallis, ad instar et similitudinem bonæ legalis & Current Monetæ & cunei auri dictæ dominæ reginæ regni sui Angl', anglice vocat halfe Soueraignes, falso & proditorie fabricauer cuder & controfecer, ac quasdam earundem peciar sic vt præmittit, falso & proditorie fabricat cusas & controf. &c. diuersis ligeis dictæ dominæ reg. pro vera, legit, & current Monet huius regni Angl' apud B. predict in dict' comitat E. & alibi in dicto Comit E. postea deceptiue, falso, et ꝑditorie exposuer, soluer, et vtterauer, in magnum prejudicium, fraudem, et deceptionem ligeor dict' dom reginæ, ac contra pacem eiusdem dominæ reg. coronã et dignitatem suam, necnon cõtra formã diuersor statutor in huiusmodi casu ædit et prouis. Sect. 143.

For coyning of Money.

A INquiratur pro domina Regina si H.H. nuper de B. in comitatu F. Tailor, deum præ oculis suis non habens, sed instigatione diabolica Sect. 144.

ſeduct', vt proditor dictæ Dominæ regiñ, quinto die Maij, Anno &c. ſexdecim pecias Monetæ vocat̃ ſhillings, de falſo & mixt̃ metallo ad inſtar cunei huius regni Angliæ, vulgariter vocat̃ Queene Elizabeth ſhillings, apud B. pred', in comitatu E. pred', falſo felonice, & proditorie controfecit, fabricauit & cunauit, contra pacem ac contra formam &c. vt ſupra.

For coyning and vttering of gold.

Sect. 145. INquiratur pro Dña Regina ſi H. A. nuper de B. in comitatu E. Labou' A rer, & T. S. nuper de T. in comitat̃ predict' Labourer, die & anno &c. & diuerſis alijs diebus & vicibus tam antea quam poſtea, Deum præ oculis ſuis non habentes, ſed inſtigac' diabolic' ſeduct', machinanteſq; dictam dñam Reginam & populum ſuum callide, falſo, deceptiue et proditorie decipere et defraudare de iniuria ſua propria abſq; auctoritat̃ warrant̃ ſiue conceſſione Regiæ Maieſtat̃ eis aut eorum alteri conceſſ. octo pecias falſæ Monete, ad imaginẽ et ſimilitudinem peciarum monetæ aur̃ Anglice vocat̃ golden Soueraignes of r. s. a peece, apud M. in comitatu E. pred', pro iniquo lucro & aduantagio e cupro, falſo & proditorie deaurauer̃, & eaſdem pecias falſo & proditorie ſic vt præmittitur, fact̃, fabricat̃, controfact', & cunat̃, diuerſis ligeis dictæ Dominæ Reginæ pro vera legitimo & current̃ moneta dictæ dominæ Reginæ regni ſui Angl' apud M. prædict̃, in comitatu E. predict̃ xx. die Octobris, anno ſupradicto, ac diuerſis alijs diebus antea & poſtea, deceptiue, falſo, et proditorie expoſuer̃, et vtterauer̃ in ſolutionem diuerſis ligeis dictæ dñæ reginæ, necnon contra formam diuerſorum ſtatutorum in huiuſmodi caſu æditi & prouiſ. ac contra &c.

Of murder by two with a weapon, and one acceſſorie before the offence committed.

Sect. 146. INquiratur pro Domina regina, ſi H. W. nuper de S. in comitatu E. A Taylor, & W. C. de S. in comit̃ E. predict̃ Weauer, primo die Martij, anno regni dominæ Elizab. dei gratia Angl' Franc', & Hyberñ reginę, fidei defenſor̃ 4. apud C. in parochia de S. predict̃, in com̃ E. pred', vi & armis &c. in quendam T. B. in pace dei & dictæ dñæ reginæ, adtũc & ibidem exiſtẽ, inſultum fecer̃, & pred' H. W. cum quodam falcaſtro Anglice vocat̃ a Welſh hooke, valor̃ xij. d'. quem idem H. in vtraq; manu ſua adtunc & ibidem tenebat, predict̃ T. B. ſuper dextrum brachium prope manum dextram adtunc & ibidem felonice percuſſit, dans eidem T. adtunc & ibidem cum falcaſtro predicto, vnam plagam mortalem, profunditatis duorum pollicium, et longituuinis quinque pollicium, de qua quidem plaga mortali, predict' T. adtunc et ibidem inſtant̃ obijt. Et ſic pred' H. W. et W. C. apud S. predictam, in comitatu E. predict̃, modo & forma predict', præf. T. B. felonice, ac ex malicia

ſua

ſua præcogitat̃ interfeceꝛ. & murdraueꝛ, contra pacem dictæ Dominæ reginę nunc, Coronam & dignitatem ſuas. Et ſi I.H. de S. pred' in coñ E. pred' Huſbandman, ante feloñ & murdr̃ pred', per præf. H. & W. ſic in forma predict̃ commiſſ. et perpetrat̃, viz. pred' primo die Martij, Anno &c. apud S. predict̃ in coñ E. pred' predictos H.W. & W.C. ad feloñ & murdrum pred', ſic in forma pred' faciend' & perpetrand' malicioſe et felonice incitauit, abbettauit, & procurauit, contra pacem dictæ &c. vt alibi. Acceſſory.

Of Murder by two with weapon.

A IVratores pro Domina Regina præſentant, quod A.B. nuper de C. in dicto comitatu E. Blackſmith, & D.E. de C. predicta in comitatu E. predicto Butcher, ſeptimo die Septembris, Anno regni dictæ dominę noſtræ Elizab. dei gratia Angl', Franciæ, & Hyberniæ Reginæ, fidei defenſoꝛis, &c. Triceſimo, vi & armis, ex malitia ſua præmeditata, in quendam F.G. nuper de B. in dicto comit̃ E. Yeoman, apud B. predictam in comitatu E. predict̃ in quodam loco ibidem (vulgariter nuncupato the bowling place) adtunc & ibidem in pace Dei, & dictæ dominæ Reginæ exiſtentem, inſultum fecerunt, & præfatus A.B. cum quodam gladio diſtricto, ad valentiam 5. ſolidoꝝ quem ipſe in manu ſua dextra adtunc & ibidem tenuit, ipſum F.G. ſuper ſynciput ſuum voluntarie et felonice tunc ibidem percuſſit, & eo ipſo ictu dedit eidem F.G. quandam plagam mortalem, in longitudine trium pollicium, & in profunditate quinque pollicium & dimid' de qua quidem mortali plaga predict̃ F.G. tunc & ibidem inſtanter & immediate obijt. Et vlterius, quod predict̃ D.E. cum quodam Baculo ad valẽtiam vnius oboli (quem ipſe in manibus ſuis ad tunc ibidẽ tenuit) ipſum F.G. ad tunc et ibidem voluntarie & felonice percuſſit ſuper caput ſuum, dans eidem F.G. vnam aliam plagam mortalem in dicto ſuo capite, in longitudine trium pollicium, & in profunditate duorum pollicium, vnde idem F.G. de plaga vltime pred' obijſſet, ſi non obijſſet de ictu illo priore predict̃, quem predict' A.B. ei primo dederat. Et ſic Iuratores predicti dicunt, quod prænominati A.B. et D.E. dict' 7. die Septemb. anno ſuprad', apud B. pred' in pred' loco (vocato the bowling place) predictum F.G. modo & forma predictis, ex malitia ſua prẽcogitata, voluntarie, & felonice interfecerunt & murdrauerunt, contra pacem dict' Doñ Reginæ, ac contra coronam, & dignitatem ſuam. Sect. 147.

For a Murder with a cudgell and flying afterwards.

A INquiratur pro Domina Regina ſi I.S. nuper de T. infra parochiam de C. in comitat̃ E. predict', Labourer 13. die Iulij, &c. non habens Deum præ oculis, ſed inſtigatione diabolic' mot̃ & ſeductus, Sect. 148.

ex malicia ſua præcogitaꝫ, vi & armis &c. in quendam Ric' N. apud C. in comitatu E. prædicꝫ, adtunc & ibidem exiſtenꝫ, in pace Dei & dictę Dominæ Reginæ, inſulꝫ & affraiam fecit, ac vno bacillo vocat. a Cudgell nullius valoris, quem idem I.S. adtunc & ibidem in manu ſua dextra tenuit, eundem R.N. in dextram partem capitis Rich' adtunc & ibidem felonice percuſſit, dans eidem R. adtunc & ibidem cum bacillo prædicꝫ, plagam mortalem longitudinis trium pollicium, et profunditatis vnius pollicis, contundendo caput dicti Rich', de qua quidem plaga mortali, prædictus R. apud K. in prædicꝫ comitaꝫ E. predicꝫ languebat a prædicto 14. die Iunij, anno ſupradicto, vſque 27. diem eiuſdem Menſis Iunij, tunc proximꝫ ſequenꝫ. Quo quidem 27. die Iunij anno ſupradicto, prædicꝫ Richardus N. apud K. predict, in predicꝫ comitatu E. ex plaga predicꝫ mortali obijt. Et ſic pred' Iohannes S. eundē R.N. apud C. predictam in comitatu E. prædicꝫ, ex malitia ſua præcogitata, modo & forma pred', felonice interfecit & murdrauit, contra pacem dictæ dominę Reginæ coronam et dignitatem ſuas. Et ſic prædictus Iohannes S. poſtquam ipſe feloniam & murdrum præd', ſic in forma præd' feciſſet & perpetraſſet, fugam fecit, contra pacem dictę dominæ reginæ &c. vt alibi.

Flying.

Of Murder and procurement in the highway.

Sect. 149.

INquiratur pro Domina Regina, ſi P. P. nuper de L. in predicꝫ comiꝫ E. Lavoyer, 22. die Octob. anno &c. inter horas ſextam & ſeptimam poſt meridiem eiuſdem diei, deum præ oculis ſuis non habens, ſed inſtigatione diabolica motus & ſeductus, ex malicia ſua præcogitata, vi & armis &c. in quendam R.P. in via Regia apud P. infra parochiam de S. in comitatu E. prædicto, adtunc & ibidem in pace Dei, & dictæ Dominæ Reginæ exiſtenꝫ inſultum fecit, & cum vno baculo valoris ij. d'. quem idem P.P. adtunc & ibidem in manibus ſuis tenuit, eundem Rich. ſuper dextram partem capitis ſui, adtunc & ibidem felonice percuſſit, dans eidem Rich. adtunc & ibidem cum baculo prædicꝫ vnam plagam mortalem in longitudine duorum pollicium, & in profundiꝫ dimid' pollicis, de qua quidem plaga mortali, prædicꝫ R. P. apud E. infra parochiam de S. prædicta in coīn prædict' E. a prædict' 22. die Octobris, Anno xv. ſupradicto, vſque ſeptimum diem Februarij, tunc proxime ſequenꝫ languebat, quo quidem 7. die Februaꝫ, anno xv. ſupradicto, idem R. P. apud E. prædicꝫ in comitatu E. prædicꝫ, de prædicꝫ plaga mortali obijt. Et ſic Iuꝝ prædicꝫ dicunt ſuper ſacramentum ſuum prædictum, quod prædicꝫ P.P. ipſum R. P. infra parochiam de S. prędicꝫ in comitatu E. prædicto, dicto 7. die Februarij anno ſupradicto, ex malicia ſua præcogitaꝫ, modo & forma predict' felonice interfecit & murdrauit, contra pacem dictæ &c. vt alibi. Et ſi Katherina P. vxoꝝ predicꝫ R. nuper de L, prędicꝫ, in comitatu E. prædicꝫ,

Accеſſary by procurement.

Spinſter,

Spinſter, ante feloniam & murdrum prædict' per ipſum P.P. ſic in forma prædict' factum & perpetratum, videlicet xxj. die Octobr̄, anno xv. ſupradict' eundem P.P. apud L. prædict' in comitatu E. prædict', ad feloniam & murdrum præd, in forma prædict', ſic faciend' & perpetrand' felonice excitauit, abbettauit, & procurauit, & contra pacem dictæ dominæ reginæ &c. vt alib.

Of Murder and diuerſe woundes, and acceſſory by procurement.

A INquiratur pro domina regina, ſi T.B. nuper de S. in comitatu E. prædict' yeoman, & H.O. nuper de S. in eodem com̄ yeoman, 3. die Iunij &c. vi & armis ex malitia ſua precogitata, in quendam W. B. apud T. in comitatu E. prædicto, in quodam loco ibidem voc' H. adtunc & ibidem in pace dei & dictæ dominæ Reginæ exiſtent̄, inſultum fecer̄, & prædict' T.B. cum quodam baculo ad valenc' duorum denarior̄ quem ipſe in ambabus manibus ſuis adtunc & ibidem tenuit, ipſum W.B. ſuper poſteriorem partem capitis ſui felonice percuſſit, & dedit ei vnam plagam mortalem latitudine quatuor pollicium, de qua quidem plaga mortali, prædict' W. B. immediate obijt, Et quod prædictus H. O. cum̄ quodam pugione ad valenc' ſex denariorum, quem ipſe in manibus ſuis adtunc & ibidem tenuit, ipſum W.B. adtunc & ibidem felonice percuſſit, dans eidē W. in guttere ſuo vnam aliā plagam mortal' latitudine vnius pollicis, & profunditate quinque pollicium, vnde idem W. B. de plaga prædicta immedietate obijſſet, ſi non obijſſet de ictu prædicto quem prædict' T. ei dediſſet prius. Et prædictus T.B. die & anno ſupradict' adtunc & ibidem cum quodam baculo ad valenc' duorum denariorum quem ipſe in manibus ſuis adtunc & ibidem tenuit, ipſum W.B ſuper poſteriorem partem capitis ſui felonice percuſſit, & dedit ei vnam aliam plagam mortalem, latitud' quatuor pollicium, de qua quidem plaga mortali prædict' T. B. adtunc & ibidem immediate obijſſet, ſi non obijſſet de ictu prædicto, quem prædict' W.B. ei prius dediſſet. Et quod prædict' H.O. die et anno ſupradictis, cum quodam pugione ad valenc' ſex denariorum, quem ipſe in manibus ſuis adtunc & ibidem tenuit, ipſum W.B. adtunc & ibidem felonice percuſſit, dans ei in guttere ſuo vnam aliam plagam mortalem latitud' vnius pollicis, & profunditatis trium pollicium, vnde idem W. de plaga prædicta immediate obijſſet, ſi non obijſſet de ictu prædicto, quem prædictus T.B. ei prius dediſſet, Et ſi prædict' T.B. & H.O. dicto tertio die Iunij, anno ſupradicto, apud T. prædict', in com̄ E. prædict' in prædict' loco voc' H. prædict' W.B. felonice interfecer̄ et murdrauerunt, & ſi Elizab. B. nuper de S. prædict', in com̄ E. prædict' Spinſter, vxor prædict' T. B. & I.O. nuper de S. prædict', in præd' com̄ E. Spinſter, vxor prædict' H. O. p̄d iij. Iunij, anno ſupradict', in prædict' comitat̄ E. vi & armis &c. in prædict' loco apud T. prædict', voc̄ H. ex malitia ſua precogitata preſent̄ fuerunt, abbet-

Sect. 150.

abbettantes, anxiliantes & confortantes præd' T. B. & H. O. ad vulnerand' p̄d' W. B. & ad feloniam & murdrum præd' in forma præd' faciendum, felonice excitauerunt, & procurauerunt, contra pacem dictæ dn̄æ Reginæ, coronam & dignitatem suas.

An Inquisition of murder found before a Coroner vpon the view of the body slaine, against one for killing of his Mistres with a hatchet on the head, she being then great with child.

Sect' 154. INquisitio capt̄ apud H. in coñ E. &c. coram me Iohañ S. vno coroñ A
domini R. in comitatu prædict̄, die Martis &c. Anno &c. super visum corporis C. nuper vxoris P. B. de H. præd', apud H. predictam felonic' interfect', adtunc & ibidem mortui iacent̄, per sacramentum proborum & legalium hominum de villa de H. & trium aliarum villarum propinquarum, videlicet S. N. & C. pront moris est &c. ad inquirend' qualiter & quo modo præd' C. ad mortem suam deuenit, videlicet per sacramēt̄um A. B. C. D. &c. qui dicunt super sacramentum suum &c. quod vbi præd' C. die, anno, loco, & comit̄ prædictis, circa horam secundam post meridiem dicti diei Martis fuit in pace Dei, et domini Regis nunc apud H. præd', ibi venit quidam W. B. nuper de C. in comitat̄ Wigorn̄ Gen̄, felonice vt felo domini regis nunc insidiand' & ex insultu premeditato, contra pacem eiusdem domini Regis, coronam & dignitatem suas, die, anno, hora, loco, & comitat̄ prædictis, in predictam C. magistram suam, que adtunc grauida fuit & vicina partui, insultum fecit, & eandem C. cū quadam secur̄ vocat̄ an Hatchet, precij iiij. d. quam idem W. tenuit in manibus suis super sinistram partem capitis sui felonice percussit, dans ei plagam mortalem, de qua quidem plaga mortali, eadem C. instanter obijt, & sic præd' W. prefatum C. Magistram suam adtunc & ibidem felonice interfecit, & murdrauit, contra pacem &c.

An Indictment against a widow for procuring one to murder her child in her presence after she was deliuered, by cutting the throate, and against the accessories, before and after the offence committed.

Sect' 155. IVratores pro domina Regina presentant, quod H. M. nuper de K. in A
prædicto comitat̄ E. vidua, grauida existens cum quadam infante viua, 24. die Maij, Anno regni dictæ Dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginę, fidei defensoris &c. Secundo apud K. predict̄ in comitatu E. predicto, ex Dei prouidentia parturijt, & peperit vnam prolem femellam viuam: posteaque quedam Iana S. super de W. in dicto comitat̄ E. vidua, apud K. predict̄, in comitatu E. predict̄ vi & armis, ex malitia sua precogitata (dicto xxiiij. die Maij, anno supradicto, circa horam vndecimam ante Meridiem eiusdem diei) per consilium, mandatum, et procurationem predicte H. M.

ac

ac in preſentia ipſius H. M. in predictam prolem femellam viuam inſultum fecit, & cum quodam cultello (ad valentiam vnius denarij) quem eadem Iana tunc in manu ſua dextra tenuit, gutter ipſius prolis femelle adtunc & ibidem felonice ſcidit, dans eidem proli femelle quandam plagam mortalem in gutture ſuo predicto, de qua quidem plaga mortali proles femella predicta, apud K. predict̃ in comitat̃ E. predicto, adtunc & ibidem inſtanter obijt. Et quod predict̃ H. M. adtunc & ibidem felonice fuit preſens, comfortans, et auxilians ad predict̃ prolem femellam in forma predicta interficiendam, Et ſic prefata H. M. & Iana, predictam prolem femellam ex malitia ſua precogitata, felonice, & voluntarie, interfecerunt, et murdrauerunt, contra pacem dicte domine Regine coronam, et dignitatem ſuas. Et inſuper Iuratores predicti preſentant pro dicta Domina Regina, quod Georgius P. nuper de K. predicta in dicto comitatu E. ꝑman, xix. die Maij, Anno regni dicte domine Regine ſecundo, ac diuerſis alijs diebus et vicibus ante feloniam et murdrum predict̃ in forma predicta perpetrat̃ apud K. predictam in comitatu E. predicto malitioſe et felonice conſuluit, mandauit, procurauit et abettauit, predict̃ H. M. ad predictum murdrum voluntarium faciendum, ac ad interficiendum et murdrandum dictam prolem femellam, contra pacem dicte domine Regine: Et vlterius, quod O. P. & A. B. de K. predicta in comitat̃ E. predict̃ Spinſters, poſt murdrum et feloniam predictam in forma predicta facta, ſcientes prefatus H. M. et I. S. feloniam et murdrum predict̃ in forma predicta feciſſe et perpetraſſe, ipſam tamen H. M. apud K. predict̃, in comitatu E. predicto (xxvij. die dicti menſis Maij, Anno ſupradicto) felonice receptauerunt, et comfortauerunt, contra pacem dicte Domine Regine nunc, coronam et dignitatem ſuam.

An Indictment of petie treaſon againſt a late ſeruant for murdering of his Maſter, and the acceſſorie before the offence.

A Iuratores pro Domina Regina preſentant, quod A. B. de C. in comitatu E. Grocer, nuper ſeruiens B. D. de C. predicta in dicto comitatu E. Grocer, decimo die Septembris, Anno Regni dicte Domine noſtre Elizabethe, Dei gratia Anglie, Francie, et Hybernie regine, fidei defenſor̃ &c. Triceſimo quarto in domo manſionali predict̃ B. D. apud C. p̃d̃ in com̃ E. p̃d̃ vi et armis, viz. cum gladio et pugione diſtrictis ad valenc' x. ſolidor̃ (quos idem A. B. tunc ibid', in manibus ſuis tenuit) in prenominatum B. D. tunc magiſtrum ſuum tunc & ibidem in pace Dei et dict̃ Domiñ Regiñ exiſtentem, voluntarie et ex malitia ſua precogitata inſultum fecit, & eundem B. D. tunc magiſtrum ſuum, adtunc et ibidem cum dict̃ gladio felonice et proditorie ſuper caput ſuum fortiter et valide percuſſit, ita quod dicto ictu, caput ipſius B. D. tunc magi- Sect' 153.

magiſtri ſui tunc & ibid' in duas partes ſidit, dans ei plagam mortalem: vnde corpus dict' B.D. immediate ibidem ad terram cecidit, & dictus B.D. inſtanter ibidem de plaga prædict' mortuus eſt. Et ſic prefatus A. B. apud C. prædict ex malitia ſua precogitata, eundem B.D. magiſtrum ſuum præd' modo & forma prædictis, voluntarie, nequitur, felonice, & proditorie interfecit, contra pacem dictæ dominæ noſtrę nunc, coronã & dignitatem ſuas. Et quod quidam I.S. de C. prædicta in dicto comitatu E. Grocer (antę proditionem prædict' per præfatum A.B. ſic vt præfertur voluntarie perpetratam & omiſſam) videlicet, ſexto die Septembris anno ſupradicto, eundem A. B. apud C. predictam in comitatu E. prædicto, ad proditionem prædictam in forma prędicta perpetrandam & committendam, felonice conſuluit, excitauit, & procurauit, cõtra pacem dicte domine noſtre Regine nunc, ac contra coronam, & dignitatem ſuam.

An Indictment of petie treaſon againſt a ſeruant for breaking of his maiſters houſe, and cutting of his throte with a trencher knife.

Sect' 154. INquiratur &c. ſi I. M. de D. in comitatu M. yeoman, homo ſeruiens W.R. de S. in comitatu E. prædict, & in ſeruitio ipſius W. pro hoc integro anno retent duodecimo die Maij anno &c. apud S. in predict comitatu E. domum predict' W.R. adtunc magiſtri ſui exiſtẽ vi & armis &c. felonice fregit, & intrauit, & in ipſum W. adtunc & ibidem in domo ſua propria in pace dei & dicte domine Regine exiſtẽ inſultum fecit & cum vno cultello vocat a trencher knife precij ij. d. quem idem I. adtunc & ibidem in manu ſua dextra tenuit, predict W. felonice & proditorie pcuſſit, & guttur ipſius W. mri ſui pd' adtunc & ibid' cũ cultello illo totalit felonice & proditorie ſcidit, dans ei adtũc & ibid' quandã plagam mortal', de qua quid' plaga pd W. adtũc & ibid' inſtant moriebat, & ſic præd' I.M. pd' W.R. Magiſtr ſuũ adtunc & ibidem inſtanter, modo & forma ſupradict, felonice & proditorie interfecit & murdrauit, cõtra pacem dicte dñe Reg', coronam & dignitatem ſuam. A

An inquiſition of Murder taken before a Coroner, vpon the view of the body wherein is found one to be preſent and ayding to the ſame murder.

Sect' 155. INquiſitio capta coram A.B. vno Coronator domini Regis &c. ſuper viſum corporis I.S. &c. qui dicunt quod ita accidit apud M. in comitat præd' E. die &c. circa horam &c. quod vbi præd' I.S. fuit in pace dei, & dicti domini Regis apud M. eiſdem die anno, loco, & hora, ibi venit W. L. de M. & S.T. &c. vt felones dicti domini Regis, & ex malitia ſua precogitat, in ipſum I.S. adtunc & ibidem inſultum fecerunt, & præd' W. L. quodam pugione precij iiij. d. quem ipſe in manu ſua dextra tunc tenebat, dict I.S. ſuper finiſtr partem corporis ſui, viz. ſubter aſellam percuſſit A

cussit vsque ad cor suum, dando ei plagam mortalem, vnde idem I. S. eadem hora tunc & ibidem obijt incontinentur,& sic præd' W. L. pref. I.S.apud M.præd' in præd' coñ E.felonice interfecit & murdrauit,contra pacem dicti dñi Reg.coronã & dignitat̃ suas.Et quod præd' S.T.loco die,anno,& hora p̃d',præd' felon̄ fuit presens, assistens, abbettans, procurans,confortans,& manntenẽs pref.W.L.ad felon̄ & murdrum pred̃ informa præd' &c.In cuius &c.

For a Nusans of a comon bridge in the Queens high way, ouer a riuer which is decaied and not knowen,who should repaire it.

A IVratores pro domina Regina presentant,quod pons publicus & communis,situs in alta Regia via super flumen de M.infra parochiam de A.in comitatu E.præd'(vulgariter dictus A.)est,& p aliquot annos iam proxime elapsos fuit valde ruinosus, & in maximo decasu, ob defectum reparationis adeo vt subditi dictæ dominæ Reginæ,in, super, trans vel vltra dictum pontem,per se,vel cum eorum equis,bigis,aut cariagijs,redire,aut transire,sine magno vite discrimine non audent aut possunt,ad commune nocumentum omnium vicinorum,& compatriatarum in dicto comitatu E.habitantium,quorum interest ratione negotiorum suorum illac transire: Et vlterius quod prorsus nescitur, que persone quæue terre,tenementa , aut corpora corporata & politica, eundem pontem, aut aliquam inde parcellam,ex iure,aut ex antiqua consuetudine, reficere & reparare debent,aut consueuerunt. Sect' 156.
A

For a Nusans of a bridge ouer a riuer in the Queenes highway which is decaied,and ought to be repaired by the Queene by reason of a Manor.

IVratorꝫ presentꝫ &c. quod quidam pons situat̃ super aquam de Trent in parochia de Newarke in coñ S.vocat̃ N. Bridge, existẽs in Regia via,est ruinosus & in magno decasu,ita quod ligei dominæ Reg.in, per, super,vel vltra eundem pontem,absque magno periculo transire seu laborare non valent,ad commune nocumentum omnium ligeorum dictæ dñæ Reg.trans & vltra pontem prædict'transeunt̃ seu transire volentium.Et quod domina regina nunc,ratione tenure seu manerij de N.supra T.cum pertin̄ in coñ S.prædict̃,pontem illum facere, reficere,& emendare debet, & quod eadem domina Regina & omnes progenitores sui,ac omnes alij quorum status eadem domina Regina modo habet in eodem manerio de N.super N.cum pertin̄ pontem illum facere, reparare,& emendare consueuerunt,de tempore cuius contrar̃ memoria hominum non existit,toties,quoties necesse fuit.In cuius &c. Sect' 157.

An Indictment against one for pulling downe of a stone bridge in a towne ouer which the Inhabitants of the same Towne haue vsed to trauaile time out of minde.

Iura-

IVratoſ &c. quod cum a tempore quo memoria hominum in contrarium nõ exiſtit, fuit quidam pons lapideus in W. in coñ E. præd' voc' A. per & trans quem quidem pontem, omnes inhabitanť villæ de W. præd' in comitatu præd' per tempus prædict' habere conſueuerunt ingreſſum & egreſſum ad quendam locum vocať H. pro negotijs eorundť faciend', tamen I. F. de &c. tali die &c. & anno &c. vi & armis &c. prefatum pontem effodit, proſtrauit, & ſpoliauit, & omnes lapides eiuſdem pontis abinde aſportauit & abcariauit, per quod inhabitantes ibidem ingreſſum & egreſſum ad prædicť locum pro prædict' negotijs ſuis faciend' habere non poſſunt, & alia enormia per eum tunc & ibidem facta ſunt ad graue & commune nocumentum præd' vicinorum ibidem & contra pacem &c.

For Nuſance in the Queenes high way, by incloſing of part of the way.

Sect' 159. INquiratur pro domina Regina, ſi E. S. nuper de W. in comitatu W. prædict' geñ, ſecundo die Maij &c. partem cuiuſdam viæ regię in W. in comitatu prædicť ducenť a W. prædicť vſque ad S. in eodem comitatu, videlicet a W. prædicť vſque ad quandam foueam in S. prædicť in prædicť comitatu W. vocať le common pitte, in eadem via exiſtentem, cum ſepe & foſſa incluſit & obſtruxit, & eandem viam Regiam ſic incluſ. a prædicť ſecundo die Maij, vſque diem captionis huius inquiſitionis, in paſturam conuertebat, & adhuc cuſtodit, in malum & pernitioſum exemplum aliorum, et ad graue damnum & commune nocumentum omnium ligeorum ſubditorum dictæ dominæ Reginæ ibidem prope inhabitantium, quorum intereſt illac tranſire, ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu edit' & prouiſ. ac contra pacem dictæ dominæ Reginæ &c. A

For Periurie in a diſpoſition before Commiſſioners by Commiſſion out of the Court of Wardes.

Sect' 160. IVratores preſentant pro domina Regina, Quod F. E. de G. in comitatu prædicto Tailor, xxiiij. die Iulij, Anno &c. apud M. in comitatu E. prædicto coram A. B. C. D. & E. F. Armigeris, Commiſſionarijs (virtute Breuis dictæ dominæ Reginæ de Commiſſione prædictis A. B. C. D. & E. F. directi, & extra curiam Wardorum & liberationum dictæ dominæ Reginæ apud Weſtmonaſt' in comitatu Midddleſexiæ, præantea emanantis) pro examinatione quorumcunque teſtium, tam ex parte cuiuſdam I. L. de M. prædicta, in comitatu E. prædicto (Weauer querentis, quam ex parte H. M. de N. in dicto comitatu E. yeoman defendentis, in quadam cauſa (ſiue materia) inter ipſos I. L. & H. M. tunc in dicta curia Wardorum & liberationum controuerſa, & ibidem dependente in variantia pro titulo vnius meſſuagij cum pertinentijs in M. præd' in dicto A

dicto comitatu E.perſonaliter conſtitutus, Ac tunc & ibidem exiſtens teſtis productus per prædictum I. L. ad teſtificandum & deponendum in cauſa prædicta, ex parte ipſius I.L. & iuratus per Commiſſionarios prædictos,ad veritatem dicendam ſuper articulis interrogatorijs ei per dictos Commiſſionarios adtunc & ibidem miniſtrandis, ſeptimo Articulo Interrogatorio ei adtunc & ibidem per dictos Commiſſionarios ex parte prædicti I.L.,miniſtrato dixit, & ſuper ſacramentum ſuum prædictum affirmauit,& depoſuit, prout in hijs Anglicis verbis immediate ſequitur,viz. To the ſeuenth Interrogatorie he ſaieth by vertue of the ſaid oath, that the ſaid meſſuage was neuer occupied by the ſaid H.M. the defendant,prout per dictam diſpoſitionē præd' E.F.inter alia per p̄fatos Commiſſionarios in dictam curiam Wardorum & liberationum certificatam & miſſam,ac ibidem de recordo adhuc remanentem, plene apparet:vbi reuera & in facto, dictum meſſuagium diu occupatum fuit per prenominatum H.M.defendentem.Et ſic, idem E. F. dicto viceſimo quarto die Iunij, Anno ſupradicto apud M. præd' in dicto coīn E.coram prenominatis A.B.C.D.& E. F. (Commiſſionarijs dictæ dn̄æ Reginæ ſic vt prefertur exiſtentibus)voluntarie,& corrupte, periurium commiſit voluntarium & corruptum,contra formam diuerſ. ſtatutoī in hīndi caſu prouiſorum & editorum.

For Periurie in a depoſition,before Commiſſioners by Commiſsion out of the Chancery vpon the ſtatute of Anno v. of the Queene.

A IVratores &c.preſenī quod W.R.24. die &c.apud A.in coīn E. corā I.K.& T.S.armig' & F.T.geneī exiſtenī Commiſſ.virtute breuis dn̄æ Reginæ de Commiſſ.ſibi ac alijs direct', ac extra cur̄ Cancell' dictæ dominæ Reginæ nunc preantea emanantis, ad examinationem diuerſorum teſtium,ex parte cuiuſdam W.C.queī, verſus quendam T. N. defendenī in quadam materia inter ipſos W. & T. tunc in cur̄ Cancellar̄ præd' apud Weſtm̄ in comitatu Midd' tunc exiſtēn dependenī in variand' & controuerſ.pro titulo diuerſorum tenementorum cum pertineñ vocat̄ &c,in dict' comitatu Ebor̄, perſonaliter conſtitut̄ ac exiſtens teſtis,productus per preſat̄ W.C.ad deponend' in cauſa prædict', ex parte ipſius W.onerat̄,& iuratus ad veritatem dicend' de interrogatorijs ſibi per Commiſſ. prædict' adtunc miniſtraud' xviij. Interrogatorio ſibi per prenominat̄ Commiſſ.adtunc & ibidem ex parte præd' W.C.miniſtrat̄ ſuper ſacramentum ſuum dixit & depoſuit modo & form̄,prout in Anglic' verbis ſequitur,viz.to the xviii. he ſaieth &c. recitando verbatim depoſitionem illam,prout per depoſic' pred' W.R,inter alia per prenominat̄ Commiſſ. in cur̄ Cancell' præd' certificat̄, & ibidem de recordo remaneñ plene liquet, vbi reuera prædict' H. S. non cauſauit &c,neque &c, negando effectum depoſitionis &c. prout prædict' W. R. falſo Sect. 162.

falso & corrupte deposuit & iurauit, Per quod idem W.R. prædꝰ 23. die &c. anno 19. supradict' apud A. prædꝰ in dicto comitatu E. coram prefat̃ I.K.T.D. & F.T. Commiss. virtute breuis dominæ Reginæ eis directi tunc existentibus, voluntarie & corrupte commisit periurium voluntarium & corruptum, in contemptum dictæ dominæ Reginæ & contra formam statuti in Parliamento dictæ dominæ Reginæ tento anno regni sui quinto in huiusmodi casu prouisi & editi, ac ad graue damnum prædicti T. N.

For taking of Phesants and Partridges with nets and other engins in an other mans freehold without licence contrarie to the Statute of Anno 11. H. 7.

Sect' 162. IVratores pro domina Regina presentãt, quod W.G. de S. in dicto comitatu E. Labourer, circiter horam decimam ante meridiem vicesimi diei Augusti, Anno regni dictæ dominæ nostræ Elizabethe, Dei gratia Angliæ, Franciæ & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto, in quodam loco infra parochiam de S. prædicta in com̃ E. prædicto (vocat̃ vulgariter, the Wheate field) qui quidem locus tunc fuit, & adtunc est liberum tenementum A. B. de S. prædicta in dicto comitatu E. generosi (nec vnquam fuit in, aut de warrenna ipsius W.G. propria) duos phasianos, & decem perdices, cum quibusdam reticulis, & alijs ingenijs (valoris duorum solidorum (tunc ibidem cepit, occidit, & asportauit, sine aliquibus assensu, aggreamento, aut speciali licentia dicti A.B. in hac pte habitis aut obtentis: In dictæ dominæ Reginæ nũc contemptum, ac contra formam cuiusdam statuti in Parliamento Domini Henrici nuper Regis Angliæ septimi, tento Anno regni sui vndecimo, in huiusmodi casu prouisi & editi. A

For murder by wilfull poisoning with hearbes in pottage vpon the statute of Anno 1. E. 6.

Sect' 163. IVratores pro domina Regina presentant, quod T.H. de C. in com̃ E. prædꝰ yeoman, secundo die Decꝰ. Anno regni dicte domine nostre Elizab. dei gratia Angl', Franc' & Hyberniæ Reg', fidei defensoris &c. 36. apud C. prædꝰ in com̃ E. prædicto, in domo mansionali ibidem cuiusdã W.B. nuper de C. prædicta in docto comitatu E. yeoman, ex malitia sua prepensa & precogitata, voluntarie & felonice, porrexit, ac dedit in catillo quodam eidem W.B. ad edendum, quedam olera (Anglice vocata Pottage) ex cicuta venenosissima, & alijs herbis virulentis confecta & composita, que quidem olera prædictus W.B. tunc ibidem cum cocleari (quod in manu sua dextra tenuit) comedit, vnde prædictus W.B. statim postea ægrotabat, ac a prædicto secundo die Anno supradict̃ in dicta domo sua apud C. prædictam languebat, vsque sextum diem dicti A

mensis

menſis Decembris, Anno ſupradicto, quo quidem ſexto die, Anno ſupradicto, præd' W.B. ex dicto eſu olerum prædictorum, in dicta domo ſua apud C. prædictam in dicto comitatu E. interijt. Et ſic Iuratores prædict' præſentant, quod predict T. H. prænominatum W. B. apud C. predictam in comitatu E. predicto, modo & forma ſupradict, ex malitia ſua precogitata, voluntarie & felonice, veneno predict' interfecit ac murdrauit, contra pacem dictæ Dominæ Reginæ nunc, ac contra formam ſtatuti in Parliamento Domini Edwardi nuper regis Angl' ſexti (tento, apud Weſtmonaſt' in comitatu Midd', Anno regni ſui primo) in huiuſmodi caſu prouiſi ac editi.

For murder by wilfull Poyſoning of one in a potion.

A IVratoꝝ pro Domina Regina præſentant, quod H.R. nuper de C. in coñ E. Yeoman, 10. die Octob. Anno &c. deum præ oculis ſuis non habens, ſed inſtigatione diabolica ſeducẽ, ex malitia ſua præcogitaẽ, quendam R.F. in pace dei & dictæ dominæ Reg' exiſtẽ apud C. pred', in coñ E. pred' ad bibend' prætextu amoris & amicitię inuitauit, & eidem R.F. adtunc & ibidem potionem quandam veneno intermixtam & intoxicaẽ felonice dedit, quam quidem potionem pred' R. F. ex inſtigatione & prouocatione dicti H. adtunc & ibid' accepit, & eandem potionem ſuper illud immediate bibebat & exhauſit, ratione cuius dict' R.F. immediate poſt potionẽ pred' ſic exhauſtam, morbo corrept̃ fuit, ac a pred' 10. die Octob. An. ſupradict̃, vſq; quartum diem Febr̃ &c. apud C. pred' in pred' coñ E. languebat, quo quidem quarto die Febr̃ Anñ 8. ſupradicto, pred' R.F. ex potione & intoxicatione predict̃, apud C. pred' in coñ E. predict̃ obijt. Et ſic pred' R. H. præfaẽ R.F. apud C. predict̃ in coñ E. predict̃, modo & forma ſupradictis, cum potione p̃d' veneno intermixta & intoxicaẽ, felonice interfecit, & murdrauit, contra pacem dict' Dominæ Reginæ &c. & contra formam ſtatuti inde in huiuſmodi caſu editi & prouiſi. Sect. 164.

For Murder by wilfull poyſoning vpon the Statute of Ann. 1. E. 6. wherein the Statute is recited.

A IVratoꝝ præſentant, quod cum in ſtatuto in Parliamento Domini E. nuper Reg. Angl' vj. Apud Weſtmonaſterium in Comitatu Midd' Anno Regni ſui primo, tento, editꝝ inter al' inactitaẽ exiſtat auctoritate eiuſdem, quod omnis voluntaria interfectio per venenum Anglice Poiſoning, alicuius perſonæ ſiue perſonaꝝ, quæ ad aliquod tempus extunc impoſterum facta, perpetrata, ſiue cõmiſſa foret, adiudicaretur, haberetur & exiſtimaretur voluntariũ murdrum de malitia præpenſa, quodq; offenſores in ea parte, eorum coadiutores. abbettatores, procuratores, & conſiliatores ſuſtinerent mortem & forisfacturam in quolibet reſpectu, vt in alijs caſibus voluntarij murdri de malitia prepenſa, prout in Sect. 165.

eodem ſtatuto plenè liquet, Quidam tamen A.B. nuper de C. in Comitatu E. Labourer, ſtatut̄ præd' & penam in eodem content̄, parui pendens, neq; timorem dei præ oculis ſuis habens, viceſimo die Ianuarij, Anno &c. apud R. prædict', in prædict' comitatu E. ex malitia ſua præcogitata, quendam E. L. voluntarie & felonice, per venenum interfecit et murdrauit, contra pacem dictæ Dominæ Reginæ coronam & dignitatem ſuas, ac contra formam ſtatuti prædict' &c.

For Petie treaſon againſt the wife for poiſoning her husband, by putting Arſenicke and Roſegree in his drinke.

Sect. 166. IVratores &c. quod A.B. de &c. vid' nuper vxor I.B. de F. pred' &c. A contra debitum matrimonij vinculum ac zelum et amorem quem eadem A. B. erga predict̄ I. B. nuper virum ſuum gerere deberet, diabolico inſtinctu ducta, ex malitia ſua præcogitat̄, machinans & intendens eundem I B. nuper virum ſuum vita ſua priuare, ac ipſum felonice & proditorie murdrare xj. die I. &c. apud &c. felonice et proditorie poſuit in potu ipſius I.B. adtunc viri ſui, quoddam venenum mortiferum vocat̄ Arſenick et Roſegre, ac potum illum ſic venenatum felonicè & proditorie adtunc et ibidem predict̄ I. B. dedit et miniſtrauit bibend' qui quidem I.B. nihil fraudis aut doli verſus prædict' A. inde ſuſpiciens, potum illum ſic venenatum et intoxicatum adtunc et ibidem per inſtigationem et prouocationem dictæ A. bibit: per quod idem I. B. ab eodem xj. die &c. I. vſq; xxij. diem I. tunc proxim̄ ſequent̄ languebat. Quo quidem xxij. die anno &c. idem I.B. de veneno illo apud F. &c. obijt. Et ſic dicunt Iurat̄ præd' quod A. p̄dict̄ die et anno dictum I. B. adtunc virum ſuum apud &c. felonice et proditorie intoxicauit et murdrauit, contra pacem dict' dn̄æ Reginæ &c.

For the breaking of priſon, being impriſoned vpon ſuſpition of the death of a man in the Queenes gaole, vnder the cuſtodie of the Conſtable of a hundred.

Sect. 167. INquiratur p̄ dn̄a Regina, ſi W.H. de C. in comitatu E. yeoman, vnus A Conſtabulario dictæ dn̄æ Hundredi ſui de T. in comitatu E. præd' (in quo quidē Hundredo ſua eſt villa de C. præd') quendam R.B. nuper de C. præd' in comitatu E. præd' Taiłoꝛ, viceſimo die Septembris, anno Regni dictæ Dn̄æ noſtræ Elizab. Dei gratia Anglię, Francię, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quinto apud C. prædictam in dicto comitatu E. pro ſuſpitione cuiuſdā feloniæ (videlicet pro morte cuiuſdam M.N. apud H. in comitatu E. præd' felonice interfecti) cepit & arreſtauit: Et ea de cauſa idem R.B. ſub cuſtodia dicti W.H. Conſtabularij, in priſona dict' dn̄æ Reginæ apud C. præd' in comitatu E. pręd', poſtea ſcilicet dicto viceſimo die Septemb. Anno ſupradicto fortiter, et duriter

duriter detentus fuerit, Ac idem R.B. tunc ibidem ſic detentus, poſtea, (videlicet, dictis die & anno) apud C. præd' in comitatu E. prædict, vi & armis, prædict' priſonam ibidem felonice fregit, ac extra cuſtodiã dicti Conſtabularij tunc et ibid', contra eius voluntatẽ felonice euaſit, contra pacẽ dict' dñæ Reginæ noſtræ nunc, coronam et dignitatẽ ſuas, necnon contra formã ſtatuti in huiuſmodi caſu prouiſi ac editi.

For Pulling of ſheepe.

A INquiratur pro domina regina ſi N.H. nuper de O. in comitat E. Laboꝛer xiij. die Maij Anno &c. clauſum cuiuſdam H.C. apud C. prædict' in comitatu E. prædict, fregit et intrauit, ac lanam quatuor ouium volor iij.s. de bonis & catallis dict' H.C. apud O. præd' in comitatu E. præd' a corporibus ouium præd' adtunc & ibidem exiſtẽ expilabat, & ipſam lanam ſic euulſam, felonice cepit et aſportauit, contra pacem dictæ dominæ Reginæ &c. Sect. 168.

For the fellonious taking of a purſe, and money and gold in it, from the perſon of a man.

A Inquiratur pro domina regina ſi N.H. nuper de S. in comitat M. Hillet xvj. die Aprilis, Anno &c. vi & armis, videlicet &c. in quendã Ed. R. apud C. in comitatu M. præd' inſultum fecit, & vnam burſam valor ij.d. & ix.s. in pecunijs numeratis, & vnam coronam gallicam vocat a French crowne valor vj.solid', in burſa præd', adtunc & ibidem exiſtẽ, de bonis et pecunijs præd' Ed. a perſona ipſius E. clam & ſine noticia ipſius E. ad tunc et ibidem feloñ cepit et arportauit, contra pacem dictæ dñæ reginæ &c. ac contra formam ſtatuti &c. Sect. 169.

For Purſe picking.

A IVratores pro domina regina præſentant, quod I. S. nuper de A. in comitatu E. Taylor, ſexto die Iulij, Anno regni dictæ dñæ noſtræ Elizab. Dei gratia Angl', Franciæ et Hyberñ Reginæ, fidei defenſoris, &c. Triceſimo quarto, apud A præd' in comitatu E præd', in quodam loco ibidem, (vocato the Elmes) vi & armis in quendam R.M. de A. præd' in comitatu E. præd' Grocer, inſultum fecit, & viginti ſolidos in pecunijs numeratis in crumena ipſius R.M. tunc ibidem exiſtentes inuentos, de præd' crumena ipſius R.M. tunc & ibidem a perſona ipſius R.M. (clam et inſciente ipſo R.M.) felonice cepit et aſportauit, contra pacem dictæ dñæ reginæ, ac contra coronam, et dignitatem ſuas, Sect. 170.

For vnlawfull Purueyance of three weathers without authoritie.

A IVratores pro Domina regina præſentant, quod primo die Iulij, Anno regni dominæ noſtr Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ, fidei defenſoris &c. Triceſimo quinto, quidam H. W. nuper de G. in comitatu C. Tippler, apud C. in comitatu C. p̃dicto, Sect. 171.

præ ſe ferens, & aſſerens ſe eſſe vnum ex prouiſoribus & emptoribus hoſpitij dict' Dominæ Reginæ, dicto primo die, Anno ſupradicto (quo quidem tempore nullum oſtendit aut ſecum habuit warrantū ſub magno aut paruo Sigillo dict' dñæ Reginæ) apud C. predict' in comitatu C. predict̄, tres oues caſtratas (Anglice vocatas Weatheas,) precij viginti ſolidorum, de bonis & catallis I. S. de C. predict̄ in dicto coñ C. Yeoman tunc ibidem exiſtent̄ inuentas, ſub colore purueianciæ pro dicto hoſpitio, illegitime ac felonice cepit & abduxit: Contra pacem dictæ dñæ Reg. ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu prouiſorum & editorum.

For the Rape of a maide vpon the Statute of Anno 13. Ed. 1. the which is recited.

Sect. 172. IVratores preſent̄ quod cum in ſtatuto in Parliamento domini E. nuper regis Angl' primi, Anno regni ſui decimo tertio tento, edit̄, inter alia prouiſum ſit, quod ſi homo rapuerit vxor̄, ancillam, ſiue aliquā aliam fœminam vbi non conſentierit nec antea neq; poſtea, habeat iudicium de vita & membro, prout in eodem ſtatuto plenius cōtinetur. Quidam I. B. nuper de A. &c. yeoman ſtatutum predict̄ &c. tali die & Anno Io. O. filiam H. O. ancillam apud W. in comitatu E. predicto, cōtra voluntatem ſuam felonice rapuit, contra pacem dict' dominæ Reginæ &c. ac contra formam ſtatuti predicti &c. A

For the Rape of a child vnder the age of tenne yeares, vpon the ſtatute of Anno 18. of the Queene.

Sect. 173. IVratores pro Domina Regina præſentant, quod G. D. de B. in comitatu E. predicto Waterman, tertio die Iulij, Anno regni dict' dominæ noſtræ Elizabethæ, dei gratia Angl', Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo, apud B. predictam in dicto comitatu E. (in domo manſionali ibidem cuiuſdam A. S. Hoſteler) vi & armis in quandam M. N. de B. predicta in dicto comitatu E. puellam, infra ætatem decem annorum tunc exiſtentem, inſultum fecit, ac tunc & ibidē, eandem M. N. felonice ac carnaliter cognouit, ac eadem M. N. nequitur abuſus eſt, contra pacem dict' dominæ Reginę nunc, ac contra formam ſtatuti in Parliamento dictæ dominæ Reginæ nuuc (tento apud Weſtm̄ in coñ Midd', Anno dicti Regni ſui decimo octauo) in huiuſmodi caſu prouiſi ac editi. A

For the Rape of a Maide, of the age of 16. yeares, vpon the Statute of Anno 13. Ed. 1.

Sect. 174. IVratores præſentant pro Domina Regina, quod B. C. de E. in comitatu F. Tauerner, quinto die Octobris, Anno regni dictæ dominæ ñoſtræ Elizabethę, Dei gratia Angliæ, Franciæ, & Hyberniæ Reginę, fidei defenſoris &c. Triceſimo quarto, apud E. pred' in dicto comitatu E. in quodam ibidem loco (vocato le Bowre) vi & armis in quandam A

A.K.de E.pred' in comitatu E.prædicto, virginem ætatis ſex decē annorum,tunc & ibid' in pace Dei & dictæ dñæ reginæ exiſtentē, inſultū fecit,ac tunc & ibid' eandem A. contra voluntatem ipſius A. felonice rapuit,& carnaliter cognouit,contra pacem dictæ dñæ Reginæ nunc,ac contra formam cuiuſdam ſtatuti in parliamento dñi Ed. olim regis Angliæ primi,tento apud Weſtm̄ in comitatu Middleſex, Anno regni ſui tertio decimo,in huiuſmodi caſu prouiſi & editi.

For taking away a maide of the age of xi. yeares, vpon the Statute of Anno 3. E. I. in which the ſtatute is recited.

A IVrat̄ præſent̄,quod cum tn ſtatuto in Parliamento dñi E.nuper Reg. Angl' primi,Anno regni ſui tertio tent̄, ædit̄, inter cetera ordinat̄ exiſtit,qđ nullus rapiat neq; capiat ancillam infra ætatem exiſtent̄, per aſſenſum ſuum, vel ſine aſſenſu ſuo, neq; dictā ancillam, nec aliam fœminam contra voluntatē ſuam,& ſi aliquis hoc fecerit, ad ſectam illius qui hoc ſequitur infra quadraginta dies, dñus rex ſibi faciet cōmunem iuſticiam,& ſi nullus incipiat ſectam in hac parte infra xl. dies, dominus rex ſequetur,& illi qui inuent̄ fuerint culpabiles, habeant priſonam duorū annorum, & poſtmodum redimantur ad voluntatem dñi Regis prout in eodem ſtatuto plenius continetur. Quidam I.B.nuper de A.&c. ſtatutum pred' minime ponderans &c. I.O. filiam H.O.ancillam, & infra ætatem exiſtentem viz.ætatis xj. Annorum quadraginta diebus elapſis apud W.tertio die S.anno &c.violenter cepit & rapuit, contra formam ſtatuť prædict' ac contra pacem &c. Sect.175.

For a Reſcuſſe of a woman arreſted (amongſt diuers others) by the Sheriffes officers vpon a warrant frō a Iuſtice of the peace in there general Seſſions,to put in ſuertie to appeare before them at the next Seſſions, and in the meane time to be of good behauiour, and for the hurting of one of the ſaid officers with an arrow.

A IVratores pro dña Regina præſent̄,quod cum H.C. R.H. & I.B.ar̄,ac ſocij ſui Iuſtic' dict̨ dominæ Reginæ ad pacem in comitatu E. cōſeruand',necnon ad diuerſa felon̄ trn̄s & alia malefact' in eodem comitatu perpetrat̄,audiend' & terminand' aſſign̄,in generali ſeſſione pacis tent̄ apud̄ T.in comitatu E.predict', die Martis proxim̄ p̄ōſt feſtum Sanctæ Trinitatis, Anno &c. mandauer̄ vic' eiuſdem comitatus E. necnon & eorum cuilibet, quod non omitterent propt̄ aliquam libertatem com̄ E.prædict', quin eam ingrederent̄ ſeu vnus eorum ingrederet̄, & attachiarent ſeu vnus eorum attachiaret corpora O.W.nuper de W,in comitatu T.Laboꝛer, & A.I. de W. pred' in comitatu E.pred' ſeruant, & eos corā Iuſticiar̄ pręd',vel vno ſociorum ſuorum Iuſtic' pacis in comitatu E.præd' venir̄ cōpellerent, ſeu eorum vnus venire compelleret, ad Sect.176.

inueniendum ſufficientẽ manucaptionẽ, qđ ipſi perſonaliter comparerent coram dictis Iuſtic' & ſocijs ſuis pred', ad proxim̃ ſeſſionẽ pacis in com̃ E. pred' tenend'. Et qđ interim ſe bene gererent erga dictã dñam reginã & cunctum populum ſuum, ſecundum formam ſtatuti in hĩi caſ. ædit & prouiſ. Cumq; p̃fat̃ G. L. & I. R. virtute mandat̃ p̃dict̃ arreſtaſſent p̃d' Agn̄ I. & eam coram Iuſtic' pred' vel eorum vno ducer̃ voluiſſent, prout mandatum predict̃ Iuſtic' predict' in ſe exigebat, quidam tamen B. A. de W. pred' in comitatu E. pred' gener̃, & R. W. de W. p̃dict̃ in comitatu E. pred' Yeoman, leges dictæ dominæ regiñ minime verent̃, ex malic' ſua præcogitat̃ in contemptum dict' dñæ reginæ, legum ſuarum, ac mandati Iuſtic' predict̃, x. die Maij Anno &c. apud W. prædict' in comitatu E. predict̃ riotoſ. & illicite aſſemblati & congregati, in prefat̃ G. L. & I. R. in pace dei & dictæ dñæ reg. adtunc & ibidem exiſten̄, inſult̃ & affraiam fecer̃, ac præfat̃ R. W. diuerſ. ſagittas Anglic' voc' arrowes, verſus præf. G. L. & I. R. adtunc & ibidem ſagittabat, ea intentione, vt præf. Georg. L. & I. R. vulneraret, ac predict̃ Agnetem in cuſtod' eorund' G. & I. reſcuſſer̃, ac præf. R. W. cum vna ſagitta valor̃ vnius denar̃, quam adtunc & ibidem ipſe eiaculabat & mittebat verſus præf. I. R. e quodam arcu Angl' voc' a Long bowe valor̃ ij. s. quẽ in manu ſua leua adtunc & ibidem tenuit, percuſſit, ac crus dextrum eiuſdem I. R. adtunc & ibidem perforabat & transforabat, dans eidem I. R. adtunc ibidem in crure ſuo pred', vnam plagam in profunditate triũ policium, ac idem R. W. cũ vna al' ſagitta valor̃ vnius denar̃ quam adtunc & ibidem iaculabitur & mittebat verſus predict' G. L. e predicto arcu quem in manu ſua ſiniſtra idem R. W. adtũc & ibidem tenuit, præfat̃ G. L. percuſſit, dans eidem G. adtunc & ibidem in infima parte ſiniſtri cruris eiuſdem G. vnã plagam in longitudine dimidij policis, ac in profunditate vſq; ad oſſa prędict' cruris eiuſdem G. ac præterea præfati B. A. & R. W. pred' Agnetem I. adtunc & ibidem a cuſtod' dictorũ G. H. & I. R. vi & armis recuſſer̃, atq; eandem Agnetem I. adtunc & ibidem ad largum ire & euadere fecer̃, contra pacem &c.

Of High treaſon for Rebellious inſurrections, and the aydors and comfortors.

Sect. 177. INquiratur pro domino Rege, ſi Richardus M. nuper de S. in comitatu K. ac alij falſi proditores & inimici, metuendiſſimi, ac chriſtianiſſimi Principis E. Regis Angliæ quarti poſt conqueſtum Angl', ignor̃, die & anno &c. apud Sanct' Elins in inſula Vecte in Comit̃ South. ſe inſimul congregauerunt tunc & ibidem vi & armis, viz. gladijs &c. Inſurrexerunt quoque ad comfortand' & ſupportandum I. nuper comitem W. falſum proditorem & inimicum domiñ Regis nunc, apud W. de diuerſis altis proditionibus erga ipſum regem infra regnum ſuum Angliæ factis, cõuictum & attinctum, idemq; R. M. & alij proditores & inimici predict', A

predict', predict I. nuper Comitem W. & complices ſuos, vt falſi proditores, contra ligeantię ſuæ debitum, falſo & proditorie, adtunc & ibidem ad premiſſa faciend' cõuenerunt ac confortauerunt, & tunc & ibidem eidem I. nuper Comiti W. & complicibus ſuis fuerunt adherentes, ſcientes ipſum I. nuper Comitem W. de proditionibus ſuis predict attinctum & conuictum, contra ligeantiam ſuam &c.

An other of high treaſon for rebellious Inſurrections, and the aydors and comfortors.

A INquiratur pro Domino Rege, ſi W. L. nuper de P. in com̃ M. Marchant, G. B. nuper de &c. ac quamplur̃ alij falſi proditores, rebelles & inimici ignoti chriſtianiſſimi Principis E. Regis Angliæ iiij. poſt conqueſtum, ex aſſenſu, voluntate & propoſito diuerſorum aliorum falſorum proditorum et inimicorum Domini Regis, videlicet I. nuper comitis W. & I. nuper comitis K. qui nuper auctoritate Parliamenti dicti regis apud Weſtmonaſterium &c. tenť, de diuerſis proditionibus erga dictum Regem infra regnum Angl' factis conuict' & attincti exiſtunt iiij. die Martij, et die Mercurij, & diebus Sabbati & dominic' proxim̃ poſt feſtum Pentecoſtes, & diuerſis diebus antea & poſtea, anno regni dicti domini regis tertio, apud P. in comitatu M. prædict' inſimul ſe congregauerunt, & inter ſe communicauerunt, quomodo ipſi præfatum I. nuper comitem W. & complices ſuos cum eis adtunc & ibidem ſuper mare in nauibus ſuis (vt falſi proditores) exiſtentes, per nimiam poteſtatem prędict', I. nuper comitis W. ac præfat' comitis K. & aliorum falſorum proditorum & inimicorum dict' Domini regis, de eorum couina, & falſo propoſito exiſtẽ, vſq; regnum Angliæ potuerunt producere: & dictum regem & dominos ſuos, tam ſpirituales quã temporales p totum poſſe ſuum, de regia poteſtate ſua, & gubernatione regni prædicti, per nimiam poteſtatem penitus depriuar̃, & gubernationem regni prędict', ſuper ſe accipere & retinere proponent̃, credebantque adtunc & ibidem prædict' W. & G. & alij falſi proditores & rebelles prædicti, quod maxima pars totius regni Angliæ cum eiſdem falſis proditoribus in falſis opinionibus ſuis ſtare voluiſſet, & ad illud falſum & nefand' propoſitum ſuum finaliter perimplend', p̃dict' W. & G. et alij falſi proditores & rebelles p̃dicti, dictis die & anno apud P. p̃d', in dict' comit̃ M. vi & armis, ſcilicet, gladijs, gleuijs, arcubus, ſagittis, loricis, duploidibus defenſiuis, & alijs armaturis &c. inſurrexerunt, & prædict' S. nuper comitem, in cibis, potibus, & alijs neceſſarijs erga dominum regem falſo & proditorie confortauerunt, auxiliauerunt, & ſupportauerunt, & eiſdem nuper Comitibus, vt falſi proditores contra ligeantiæ ſuæ debitum adtunc & ibidem fuerunt adherẽtes, & cum eiſdem Comitibus naues ſuas p̃d', (vt falſi proditores) ad proditoria ſua propoſita prædict' perimplend' & perficiend', conſcenderunt & in eis

Sect. 178.

Ayde.

permanſerunt: ſcientes ipſos nuper Comites in forma predicta ſic attinct' & conuict', in finalem deſtructionem dicti domini Regis, ac contra ligeantiam ſuam &c.

For regrating of Corne in a market.

Sect. 179. INquiratur pro &c. ſi W.T. de N. in predict' com̃ E. & A.B. &c. 1. die &c. & quampluribus al' diebus antea & poſtea, fuer̃ regrat̃ mercati de D. in præd' com̃ E. ac diuerſa gener̃ gran̄ ad mercat̃ p̃d' p̣ diuerſ. ligeos dict' dn̄æ reg. il' aduen̄, viz. x. quar̃ fruñ ad valenc' 6. li. apud D. p̃d', in p̃d' com̃ E. regratauer̃, ad intentioñ, quod idem fruñ iterum venderēt, ad graue damnum populi dictæ dn̄æ Reginæ contra formam diuerſorū ſtatutorum in huiuſmodi caſu edit̃ & prouiſorum. A

For regrating of Fiſh and Butter in a market, and ſelling of it in the ſame market.

Sect. 180. IVratores pro domina Regina præſentāt, quod A.B. de C. in dicto comitatu S. Mercer, 20. die Iulij Anno regni dictæ dn̄e noſtræ Elizab. dei gratia Angl', Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, apud C. prędict' in comitatu E. prædicto, in quodā mercatu tunc ibidē tento, pro 40. ſolid' monetæ, emit, regratauit, obtinuit, & nactus eſt in poſſeſſionē et manus ſuas, decem paria piſcium (Anglice dicta, 10. couples of Linges, & tria vaſa butyri ſalſi (Anglice vocata 3. firkins of ſalte butter) de quodam E.F. qui præd' x. paria piſcium, ac dicta tria vaſa butyri ad eundem mercatum, vt ea adtunc ibidem venderet, adduxiſſet: & quod immediate poſtea, ſcil' dicto 20. die Anno ſupradicto, idem A. B. in dicto eodem pleno mercatu tunc ibidem apud C. præd', in dicto comit̃ E. tento, eadem omnia dicta paria piſcium, ac butyri vaſa, cuidam H.R. pro ſexagint. as. legalis monetæ dictæ dominæ reginæ huius regni ſui Angliæ, illicite vendidit, in magnum reipubl. dānum, ac contr̃ form̃ diuerſor̃ ſtatutorum huius regni Angl' in huiuſmodi caſu prouiſorum & editorum. A

For a Reſcuſſe of one in the ſtockes for ſuſpition of felonie.

Sect. 181. IVratores pro Domina Regina præſentant, quod viceſimo die Iunij, Anno regni dictæ Dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, quidam A.B. nuper de C. in comitatu E. Glouer, apud C. prędictam in comitatu E. prędict' captus eſt & arreſtatus per E.F. de C. prædicta in comitatu E. prædicto Yeoman, pro ſuſpicione cuiuſdam felonię, videlicet, vnius vaccæ ipſius E.F. per præfatum A.B. felonice, (vt idem E.F. tunc aſſerabat) captæ & abductæ, & quod idem A.B. immediate poſtea traditus eſt per præfatum E.F. cuidam H.M. tunc Conſtabulario hundredi de N. in comitatu E. præd', in quo ſita eſt villa de C. A

de C.predicta:qui quidem Constabularius in comitatu E.prædict', postea,viz. dicto vicesimo die Iunij, Anno Tricesimo quarto supradicto, eundem A.B. in prisona in cippis ibidem posuit, ad eum saluo ibidem custodiendum, donec idem Constabularius parare possit auxilium ad ducendum eundem A.B. coram aliquo Iusticiariorum pacis dictæ dominæ Reginæ in comitatu E.prædicto,examinandum: Ac quod postea, (scilicet dicto vicesimo die &c. Anno supradicto) quidam G. L. de C. prædicta in comitatu E.prædicto Glouer, apud C. prædictam in dicto comitatu E.vi & armis cippos præd' effregit:ac eundem A.B.tunc ibid' existen' ex eisdem custodia,prisona, & cippis felonice cepit, eripuit & rescussit,ac ad largum ire & euadere permisit,contra pacem dictæ dn̄æ reginæ,coronam,& dignitatem suas.

For giuing of a Liuerie.

A IVratores pro domina Regina presentant,quod T.B.de C.in comitatu E.armiger,secundo die Septembris,Anno regni dictæ dominæ nostrę Elizabethæ Dei gratia Angliæ,Frrnciæ,& Hyberniæ Reginæ,fidei defensoris,&c. Tricesimo quarto, apud C. præd' in comitatu E. prædicto, quasdam liberatas vesture,viz.cuidam A.B.de C.prædict'in coñ E.pd' yeoman,tres vlnas panni lanei,color̄ veneti,precij xx.s.& C. D. de B. in dict' coñ yeoman, alias tres vlnas similis panni lanei, eorundem coloris & precij,ad duas seperales tunicas pro præfatis A.B.& C.D. inde faciendas,dedit ac distribuit: vbi reuera prefati A.B. & C.D. aut eorum alter,nunquam fuerant,aut fuit domestici seruientes, aut domesticus seruiens,officiarij,siue officiarius,Balliui siue Balliuus,dicti T.B. aut de cōsilio ipsius T.B.in vna lege siue altera eruditi vel eruditus: In magnum dictæ dn̄æ reginæ contemptum,ac contra formam diuersorum Statutor̄ in hīndi casu ante hac prouisorum & editorum. Sect' 182.

For receiuing and vsing of a Liuerie.

A IVratores pro domina regina presentant,quod A.B.de C. in comitatu E. yeoman,vnam liberatam panni,videlicet tres vlnas panni lanei,coloris veneti(vocati Anglice Watchet) ad valentiam xx. solidor̄ ad tunicam inde sibi faciendam de T.B.de C.prædicta in coñ E.predicto armigero,apud C.predictam in dicto comitat̄ E.secundo die Augusti &c. recepit,& eadem tunica a dicto die secundo,anno supradicto, vsque tertium diem mensis Septembris, Anno supradicto apud C.prædictam in comit̄ E.prædict',& alibi in diuersis locis infra comitatum prædictum vsus est: vbi idem A.B. dicto tempore receptionis liberate præd', aut vnquam postea non fuit familiaris, officiarius, balliuus,aut de consilio dicti T.B.in vna lege aut altera eruditus: In magnum dictæ dn̄æ reginæ contemptum,ac contra formam diuersorum statutorum in huiusmodi casu antehac prouisorum,& editorum. Sect' 183.

For

For giuing, receiuing, and vsing of Liueries vpon the statute of Anno 7. H. 4. and Anno 8. H. 6.

Sect' 185. IVratores dicunt, quod cum in statuto domini regis Henr̃ 4. nuper regis Angliæ, Anno regni sui 7. &c. ac in statut̃ in Parliamento domini Henrici 6. bonæ memoriæ, Anno regni sui octauo, apud W. tent̃ & edit̃, inter cetera continetur, quod non liceat alicui, cuiuscunque status, gradus, seu conditionis fuerit, dare aliquam liberatam vestur̃ vel capic' alicui personæ, nisi tantummodo familiaribus, officiarijs, balliuis, & seruientibus suis, ac alijs hominibus de consilio suo in vna lege seu altera eruditis, sub pena centum solid' de terris & tenẽtis, bonis & catallis hm̃odi liberat̃ dant̃, & quadraginta solid' de terris & tenementis, bonis & catallis huiusmodi liberat̃ recipient̃ siue vtent̃, toties quoties aliqua liberat̃ in contrarium statuti præd' dat̃ seu accepta fuerit, leuand': quidã tamen R. B. de C. in com̃ H. arm̃ statut̃ prædict̃ minime ponderans, quasdam liberatas vestur̃, videlicet diuersas togas coloris frost meadow, quibusdam I. de B. yeoman &c. S. C. de eodem yeoman, qunec sunt nec vnquam fuerunt seruient̃, offic', balliui, seu familiar̃ ipsius R. B. nec in lege vna seu altera aliqualit̃ erudit̃ aut instruct', die &c. Anno &c. apud &c. dedit & distribuit. Et præd' I. & S. easdem togas de prefat̃ R. eisdem die, anno, & loco, contra formam statutorum præd' receperunt, & eisdem togis continue a præd' die &c. vsque &c. apud E. F. & S. vsi fuerunt, in contemptum dn̄æ Reginæ, legisque suæ dedecus manifestum, ac contr̃ formam statutorum prædictorum &c.

For an affray made by diuers at a generall Sessions of the Peace.

Sect' 189. IVratores pro Domina Regina presentant, quod vicesimo nono die Decembris, Anno Regni dictæ dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quinto, apud M. in com̃ G. tempore generalis Sessionis pacis in prædicto comitat̃ tunc ibidem tent̃, & H. C. Milite & socijs suis Iusticiarijs dictæ Dominæ Reginæ ad pacem in dicto comitatu G. conseruandam assignat̃, tunc ibidem existentibus, & in plena curia sedentibus, quidam A. B. C. D. E. F. G. H. & I. K. de S. in com̃ G. prædict' generosi, Aggregatis sibi nonnullis alijs pacis dictæ dominæ Reginæ perturbatoribus ignotis, ad numerum xxx. hominum, vi & armis, viz. gladijs & pugionibus, armatis, illicite, routose, & riotose, sese assemblauerunt, ac inter se insultum & affraiam maximam tunc & ibidem fecerunt, sese inuicem verberantes, & vulnerantes, in magnum terrorem tam dictorum Iusticiariorum tunc ibidem in curia sedentium, quam totius populi dictæ Dominæ Reginæ ad dictam Sessionem pacis tunc & ibidem conuenientis, ac contra pacem, coronam, & dignitatem dictæ Dominæ Reginæ nostræ.

Or

Or thus.

IVratores pro domina Regina preſentant, quod I.B. de R. in comitatu E. prædicto yeoman, I.G. de eiſdem yeoman, W.B. de P. in comitatu E. prædicto yeoman, & T.K. de eiſdem yeoman, vndecima die Ianuarij, Anno regni Reginæ Elizabethæ &c. tertio apud W. in comitatu E. prædict̃, tempore generalis Seſſionis pacis adtunc & ibidem tent̃, & Iuſtic' dictæ dominæ Reginæ, ad pacem in comitatu præd'ict̃ conſeruand̃ aſſigñ, ibidem exiſtent̃, vi & armis videlicet, &c. illicite & riotoſe ſeſe aſſemblauer̃, & per inſtigationem & procurationem prædictorum I. B. et W. B. inſultum & magnam affraiam adtunc & ibidem inuicem fecer̃, & commiſer̃, in magnum timorem, tremorem, & perturbationem, tam prædict̃ Iuſticiar̃ dictæ Dominæ Reginæ adtunc & ibidem, exiſten̄ quã totius populi & ligeorum ſubdit̃ dictæ dominæ Reginæ de comitatu S. præd', adtunc et ibidem confluenc', contra formam et ordinationem per Iuſticiar̃ præd', adtunc et ibidem de pace gerend' fact', & in manifeſtum contemptum dictæ dominæ Reginæ, ac in Iuſtic' ibidem exequend' & adminiſtrand' retardationem manifeſtam, ac contra pacem dictæ Dominæ Reginę &c.

For a Riot in a Parke vpon the keeper of the parke and his ſeruant, and for hurting the keepers ſeruant with an arrow.

INquiratur pro Domina Regina ſi E.P. &c. H.P. &c. et R.B. &c. ag- Sect. 187.
gregat̃ &c. riotoſ. & routoſe et modo noue inſurrectionis, in conueni-
A culis illicitis, et modo guerrino arraiat̃, vi & armis viz. &c. 30. die apud H. in com̃ E. predict', in clauſum & parcum E.P. viduc, ibidem ſeſe illicit̃, riotoſe et routoſe aſſemblauer̃, congregauer̃, et vniuer̃, ad pacem dicte domine Regine diſturband', et adtunc et ibidem in quendam A.D. gen̄, cuſtodem parci predict̃, et in I.B. famulum ipſius A. in pace dei & dicte domine Regine exiſtent̃ inſultum fecerunt, et predictus G.P. vnã ſagittam e quodam arcu tent̃ quem idem G.P. in manibus ſuis adtunc & ibidem habuit et tenuit, ſagittauit. Et eundem I.B. cum ſagitta predict', in pectore ſuo percuſſit, dans eidem I.B. vnam plagam profunditat̃ dimid' pollicis, et latitud' vnius pollicis, Ita quod de vita ſua deſperabatur, et alia enormia eis intuler̃ ad graue damnum ipſorum A. et I. contra pacem dicte domine Regine, et contra formam ſtatuti in huiuſmodi caſu editi et prouiſi.

For Riot in pulling downe of Hedges and ditches.

INquiratur pro Domina reg' ſi I.R. nuper de B. in comitatu predict̃ Sect' 188.
yeoman, R A. nuper de G. in comitatu pred' husbandman, et I.B. nuper de D. in comit̃ pred' Gro̅me, cum multis alijs malefactor̃ eis aggregat̃, et pacis dicte domine Regine perturbator̃ ignot̃, modo guerrino arraiat̃,

arriat̃,vnit̃,assemblat̃,& congregat̃,ad numerum quindecim personarũ, per instigationem & procurationem prædict' I.R.in magnum terrorem subditorum dictæ dominæ Reginæ 4.die Maij,anno regni dominæ nostræ Eliz.&c.secundo,vi & armis,videlicet,gladijs,falcastris,bipenñ,baculis & alijs armis inuasiuis, clausum R.B.arm̃ apud F. infra parochiam de B. in comitatu prædicto vocat̃ the M. riotose fregerunt & intrauerunt,ac sepes & claus.pred' R.B.ad numerum sexcent̃ pedum, adtunc & ibidem existent̃, lacerauerunt, irruper̃, & prostrauerunt, & fossat̃ ibidem existent̃,adtunc & ibidem cum ligonibus & bipallijs foder̃, planauerunt, & impleuerunt, ad graue damnum ipsius R.B.contra formam diuersorum Statutorum de Riotis & routis, & alijs conuenticulis illicitis inde nuper æditt & prouis, & contra pacem dictæ oominæ Reginæ &c.

An Indictment against many, for beating and imprisoning of the Sherifes Bailife, comming with the Sherifes Repleuie to execute it, wherein the Repleuie is recited.

Sect' 189. INquiratur pro domina Regina,quod cum N.W. Miles,vicec' comitatus E. per warr̃ suam de deliberatione sigillo suo sigillat̃,cuius dat̃ est v.die April'anno Regni Hen.8.vicesimo septimo,mandauit cuidam A. B.balliuo suo comit̃ E.pred',quod deliberaret,seu deliberari faceret cuidam T.H.aueria sua que W.S.nuper de S.in comit̃ præd' E.gener̃,& P. B.nuper de eadem vill' & comitatu Clothier, cepissent & iniuste detinebant contra vad' & pleg' vt prefat̃ Tho.dicebat. Et quod poneret ipsos W.& P.per vadios & saluos pleg. ita quod essent ad proximum comitat̃ ipsius vicecomit̃ apud I.in com̃ pred',tenend',ad respondendum pref.T.H.de placit̃ prædicto,virtute cuius warrant̃,præd' A.die & anno supradictis apud S.prædict' requisiuit prefat̃ W.S. quod dimitteret sibi aueria prædicta,ad deliberandum eidem pref.T.H.secundum vim,form̃ & effectum warranti præd',si præd' W.ac quidam H. C. nuper de S.in comit̃ prædicto husbandman,cum multis alijs ignotis ad numerũ octo personarum,dicto quinto die Aprilis, anno supradicto apud S.prædict̃, warrant̃ prædict̃ minime ponderantes,vi & armis,viz.gladijs & baculis, in pref.A.insultum fecerunt,verberauerunt,vulnerauerunt, & maletractauerunt, ac ipsum A. adtunc & ibidem impriſonauerunt, & detinuerunt, per spacium quatuor dierum & quatuor noctium extunc proxim̃ sequent̃, & adtunc & ibidem debitam executionem warranti prædict̃ contradixerunt, impediuerunt, & disturbauerunt, ad graue damnum ipsius C, ac contra pacem dicti Domini Regis, coronam &c. A

For

For a Riot in cutting and carying away of Corne.

IVratores &c. quod A.B. & E.D. &c. aggregatis eis quampluribus alijs malefactoribus, & pacis dominæ Reginæ perturbatoribus ignotis, ad numerum quatuor personarum modo guerrino arraiat̃ 3. die Feb. anno &c. vi & armis, viz. gladijs, baculis, & alijs arm̃ tam inuasiuis, quam defensiuis apud F. in com̃ Eborum iniuste, riotose, & routose, assemblauerunt, clausumque T.L. apud C. adtunc & ibidem iniuste fregerunt & intrauerunt, & decem acris tritici, adtunc et ibidem crescent̃ valoris &c. de bonis & catallis T.I. præd', adtunc & ibidem inuent̃ inuiste, riotose, & routose, messuerunt, falcauerunt, & asportauerunt, contra pacem dictæ dominæ Reginæ &c. Sect' 190.

For Robbing of one in the high way.

A INquiratur pro domina Regina, si A.B. de C. in comitatu E. Mariner, sexto die mensis Octobris, Anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angl', Franciæ, & Hyberniæ Reginæ, fidei defensor̃ &c. Tricesimo quinto, vi & armis, viz. cum gladio, & pugione (ad valentiam x.s.) districtis, inter horas septimam & octauam ante meridiem eiusdem diei, in alta via Regia iuxta quendam locum (vocatũ Gads hill) infra parochiam de F. in comitatu E. prædict', in, & super quendam I.S. de B. in comitatu E. præd', Petite-chapman, tunc & ibidem in pace Dei, ac dictæ dn̄æ Reginæ existentem insultum fecit, & ipsum I.S. tunc & ibidem cum dicto gladio percussit & vulnerauit, & xx.s. legal' monet̃ Angl' numerate in crumena ipsius I.S. existentes, de bonis & catallis prædicti I.S. adtunc & ibidem inuentos, a persona ipsius I.S. tunc & ibidem violenter & felonice cepit & asportauit, in magnum prædict̃ I.S. terrorem, ac contra pacem dictæ dominæ Reginæ, coronam, & dignitatem suas. Sect' 191.

An Indictment against one for assaulting and beating of two in the high way, to the intent to haue killed, or robbed them.

A INquiratur p̄ dn̄a Regina, si H.B. nuper de B. infra parochiam de W. in com̃ E. Sadler, xvij. die Nouemb. anno &c. circa hor̃ sextam post meridiem eiusdem diei apud O. in com̃ E. pred', in communi via Regia, in quodam loco ibid', voc' C. in quosdam T.L. & W.W. adtunc & ibidē in pace Dei, et dictæ dn̄æ Reginæ existent̃, insultum fecit, cum quodam gladio precij vj.s. quem ipse in manu sua dextra adtunc & ibid' habuit, & ipsos T.L. & W.W. grauit̃ verberauit, vulner̃, et male tract̃auit: Ita qd̄ de vitis suis desperabatur̃, ea intentione ad interficiend', vel saltem ad spoliand' pred' T.L. et W.W. de bonis et pecunijs suis, et alia enomia eis adtunc et ibidem intulit, ad graue damnum præd' T.L. et W.W. contra pacem dicte domin̄ Reg. &c. vt supra. Sect' 192.

An

An Indictment against a Cooke for assulting one by the highway, and taking from him his Cloke.

Sect' 193. INquiratur pro Domina Regina, si I. G. nuper de A. in comitatu E. Cooke, 13. die Aprilis, anno &c. vi & armis &c. circa horam quartam post meridiem eiusdem diei, apud S. in comitat E. præd' in via Regia ibidem in quendam I.W. adtunc & ibidem in pace dei, & dictę dñæ Reg. existent, insultum fecit, et ipsum Iohañ W. adtunc & ibid' in magno timore corporal' imposuit, et vnam clamidē vocat a Cloake, coloris blew, valor et trium solidorum, & quatuor denar in pecunijs numeratis, de bonis & catallis dicti I.W. a persona eiusdem Iohañ adtunc et ibidē inuent felonice cepit et asportauit, contra pacem dictæ dñæ Regiñ coronam & dignitatem suas, vt supra. A

An Indictment against one for making an assault and affray, vpon one in the new Forest in the highway, and taking from him his purse and xxx. s. in it, and ij. gold rings off his fingers.

Sect' 194. IVrator &c. quod A. B. nuper de &c. 2. die I. &c. vi et armis, viz. &c. in noua forest' in quodā loco ibid' voc' I. paroch' de F. in coñ præd', in quendam homiñ ignot in regia via ibid' insultum & affraiam fecit, et cū in timor corpor adtūc & ibid' posuit, et xxx. s. in pecunijs numer in quad cruñ ibid' existeñ, et 2. annul' aureos valor &c. super digit eiusd' hom ignot, exist' de bonis & catal' eiusd' hominis ignot, a persoñ sua adtunc & ibid' feloñ cepit et asportauit contra pacem &c. A

Against a Rogue, a Vagabond, and against him which lodgeth and releeueth him.

Sect' 195. IVratores pro Domina Regina presentant, quod A. B. nuper de C. in comitatu E. Labourer, ætatis 14. annorum & amplius, ac corpore sano, valente, potente, atque ad laborandum habili existens, nullam autem habens terram, nec vllum magistrum, nec aliqua vtens licita Merchandiza, arte, vel misterio vnde sibi victum parare posset, ac prorsus nesciens rationem reddere quo pacto victum suum legitime acquirit, decimo die Augusti, Anno regni dñæ nostræ Eliz. Dei gratia Angl', Frāciæ, & Hyberñ Reginæ, fidei defensoris &c. Tricesimo quinto apud E. infra hundredum de W. in coñ E. prædicto, & multis alijs in locis dicti comit E. hac, illac passim vagatus est mendicans, ac per W. P. de E. prædicta, in dicto coñ E. yeoman, Constabularium dicti hundredi de W. (in quo sita est villa de F. prædicta) postea, viz. vndecimo die dicti mensis Aug. Anno supradicto, apud E. præd', in coñ E. prædicto inuentus est vagans, & mendicans, ac per eundem constabularium tunc ibidem deprehensus est inordinate se gerens, tanquam vagabundus, & mendicus valens contra pacem dictæ dominæ Reginæ, ac contra formam diuer- A

sorum

ſorum Statutorum in diuerſis Parliamentis dictæ dominæ Reginæ nunc inde prouiſorum & editorum: & vlterius quod G. H. de E. predicta, in com̃ E. yeoman, ſciens pref. A.B. modo et forma prædictis vagantem & mendicant̃, eundem tamen A.B. dicto decimo die anno ſupradicto in domo ipſius G. H. manſionali apud E. prædictam, in com̃ E. prædicto hoſpitauit, & eidem A.B. tunc & ibidem panem & potum voluntarie dedit, in contemptum dictæ Dominæ Reginæ, ac contra form̃ ſtatutorum prædictorum.

For breaking of a ſafe conduct graunted by King H. vi. to Marchant ſtraungers of Genua.

A IVrat̃ preſentat̃, quod cum illuſtriſſimus princeps Henricus Rex Angliæ ſextus poſt conqueſtum, per literas ſuas patentes ſub ſaluo conductu ſuo, conceſſit licentiam, & ſaluum conduct' ſuum dedit A.B. & D. & alijs alienigenis Mercatoribus de Genua, pro eis, & quadam Naui vocat̃ (a Carike) & pro bonis, rebus, & merchandiſis ſuis, infra eandem Nauem exiſteñ, de tranſitu portus South in Anglia per mare, verſus partes Genuæ transferend', et eadem abſque aliquibus roberijs, fractione, impeditione, perturbatione, aut captione ipſorum alienigeñ, bonorum, & mercand', ſiue mercimoniorum ſuorum prædictorum, per aliquos ligeos dicti domini Regis infra regnum dicti regis Angliæ, gaudend', ſine impeditione ibidem: quidam H. de D. in comitatu E. armiger, & alij fractores ſalui conductus domini Regis, de ligeis ipſius dn̄i regis infra regnum Angliæ exiſteñ ignot̃, vi & armis, videlicet, gladijs, arcubus, ſagittis, duploidibus defenſiuis, & alijs armis defenſibilibus, armati ſaluum conductum præd' minime verentes & ſpernentes, in prædictos A.B. & alios alienigenas adtunc & ibid' inſultū fecerunt, & ipſos verberauerunt vulnerauer̃, ac maletractauerunt, & ip̃ſos in naui præd', tanquam eorum priſonar̃ adtunc & ibidem ceperunt et cuſtodier̃, & eos in priſona ſub cuſtod' ſua, diu, videlicet per iiij. dies, quouſque ijdem A. B. & D. & alienigenæ in eadem naui exiſteñ, finem & redemptionem pro ſaluo conductu et deliberatione ſuis habend', pro ſexcent̃ marcis cum prefat̃ H. & alijs prædict' feciſſent, detinuerunt: contra ſaluum conductum domini Regis prædict', & contra formam ſtatuti in huiuſmodi caſu prouiſ. et edit̃ ac contra dignitat̃ regiam, ac in malum exemplum aliorum &c. Sect' 196.

For Sacriledge or Burglarie in a Church in the night time, and the taking away of the Communion cuppe.

A IVratores preſentant pro Domina regina, quod A.B. de C. in comitatu E. prædicto Sattler, primo die Septembris, Anno regni dictæ dominæ noſtræ Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ, fidei Sect' 197.

fidei defensoris &c. Tricesimo quarto, vi et armis ecclesiam parochialem de C. prædicta in dicto comitat̃ E. felonice, et burglariter fregit et intrauit noctanter, viz. inter horas decimam, & vndecimam post meridiem eiusdem diei, ac vnum calicem argenteum (Anglice vocatum a Communion Cup) ad valentiã lx. s. de bonis & catallis parochianorum de C. præd'. adtunc existentem in eadem ecclesia, & tunc ibid' inuentũ felonice cepit, & asportauit, contra pacem dictæ dñæ Regiñ nostræ nunc, coronam & dignitatem suam.

For Sacriledge or Robbery in a Church, and for the taking away of two Communian Cuppes, iy. Copes of blacke veluet, and iy. Surplices.

Sect' 198. INquiratur &c. si I. M. nuper de D. in comitatu M. & R. H. nuper de eadem D. præd', in comitatu M. prædict̃ yeoman, laici hoñ (vt supra) 23. die &c. vi et armis, videlicet gladijs, baculis & cultellis ecclesiam parochialem omnium sanctorum de E. apud E. in coñ M. prædict' circa horam 12. in nocte eiusdem diei felonice fregerunt & intrauerunt, & duos calices de argento & auro, duo vestimenta de nigro veluet vocat̃ Copes, tres pannos lineos vocat̃ &c. ad valenc' &c. de donis & ornamentis, de paroch' de E. prædict̃, in coñ M. prædict̃, in custodia I. B. & T. P. custod', et gardiañ eccles. prædict̃, adtunc & ibidem inuent̃, felonice furati fuerunt, ceperunt, et asportauerunt contra pacem dict̃ domini regis, ac contra forñ statut̃ eiusdem domini regis anno Reg. sui 33. edit̃ & prouis. &c. A

For slanderous writing and publishing of the same against the Queene.

Sect' 199. IVratores pro domina Regina presentant, quod A. B. nuper de C. in coñ E. Clericus, vicesimo quinto die Iulij, anno Reg. dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ, Reginæ fidei defensoris &c. Tricesimo quarto apud G. in comitatu E. prædict', consulte et deliberate, cum malitiosa intentione, et felonice quoddam scriptum Anglice edidit et publicauit, continens (inter alia) hanc falsam seditiosam et scandalosam materiam, ad defamationem Maiestatis dicte domine Regine nostre nunc, videlicet (reciting the seditious wordes thereof) contra pacem dicte domine Regine nostre, et regalem maiestatem suam, (cui ne in cogitatione quidem detrahere licet) ac contra formam cuiusd' statut̃ in Parliamento dicte dñe Reg. nostr̃ nunc, tent̃ apud Westm̃ in coñ Middlesexiæ, anñ regni sui vicesimo tertio, in huiusmodi casu prouisi ac editi. A

An indictment against a Scholemaster being a Recusant for teaching schole in a widowes house without licence, & against the widow for keeping him in her house knowing him to be a Recusant.

Sect' 120. IVratores pro domina Regina presentant, quod K. M. de I. in comitatu Schole magister, secundo die Septembr̃, anñ regni dicte domine nostr̃ A

Eliz-

Elizabethæ, dei gratia,&c. Triceſ.quarto, vſq; nunc, in domo manſionali cuiuſdam E.A.de I.predict', in coīn pred', Viduæ,auſus eſt,& præſumpſit erudire, & docere pueros dictæ E.A. ibid', cum idem K.M. durante tempor predicto non acceſſit,nec reſortauit ad eccl' parochial' de I.pred', in coīn E. pred', nec ad vllam aliam capellam, aut vſualem locum communī precationum, ſed ſe penitus per totum tempus predicī, abinde abſentauit, nullam habens legitimam aut rationalem dictæ ſuæ abſentiæ excuſationem, & cum idem K. M. non eſt per Epiſcopum diocæſis loci illius,in quo ſita eſt prædicta eccleſia parochialis de I.predicta,aut per eius loci ordinarium, licentiatus, aut allocatus ad erudiendum & docendum: In magnum dictæ Dominæ noſtræ Reginæ contemptum,ac contra formam ſtatuti,in Parliamento dictæ Dominę Reginę,(tento apud Weſtmonaſterium,in comitatu Middleſexiæ,Anno regni ſui viceſimo tertio)in huiuſmodi caſu prouiſi & editi. Et quod prædicta E.A.voluntarie in domo ſua pred', per totum tempus predicī cuſtodiuit et manutenuit pfatum K.M. modo & forma predicī erudiētem & docentem,ſciens ipſum K. modo & forma predictis,ſe abſentaſſe. In contemptum dict' dīnæ reginæ ac contra formam ſtatuti predicti.

For words ſpoken againſt the Queene, vpon the Statute of Anno 23. of hir raigne.

A IVratores pro Domina Regina præſentant, quod infra tres menſes iam vltimo elapſos, videlicet ſecundo die menſis Octobris, Anno regni Dominæ noſtrę Elizabethæ, Dei gratia Anglie, Franciæ,& Hyberniæ Reginæ,fidei defenſoris,&c. Triceſimo quīnt,G.P.de A,in comitatu G. Labourer, in domo manſionali cuiuſdam R.S. infra parochiam de A. predicta in comitatu G.predicto,ac in preſentia multorum dict' dominæ Reginæ ſubditorum fide dignorum tunc ibidem exiſtentium, conſulto, deliberate, ac cum malitioſa intentione aduerſus dictam dominam noſtram nunc, ex imaginatione ipſius G.P. propria, hæc falſa:ſeditioſa,ſcandaloſa dicta,ad ſcandalum & defamationem dictæ Domīn Reg. noſtr, tunc & ibidem loquiutus eſt, vt in his Anglicis verbis ſequitur, videlicet (Reciting the words themſelues.) In magnū dict' Domīn Regīn noſtr nunc contemptum, ac contra pacem, Coronā, & dignitatē ſuas, nec nō cōtra formam ſtatut in Parliamento dict' Dominæ noſtr nuper tento apud Weſtīn in coīn Middleſexiæ, Anno regni ſui viceſimo tertio,&c. Sect.201.

For ſlaundering of Noble-men.

A INquiratur pro Domina Regina ſi R.B. nuper de C. in comitatu D. Yeoman,deum præ oculis ſuis non habens,ſed inſtigatione diabolic' ſeduct', ac ligeantiam ſuam erga dictam Dominam nunc Elizab. dei Sect.202.

gratia &c. parui pendens, ac leges & ſtatuꝫ huius regni Angliæ minime eſtimans, nec pœnam in eiſdem contenꝫ aliqualiter verens, xvj. die Maij, Anno regni Dominæ Elizab. &c. apud M. in comitatu D. prædicto, malitioſe ex imaginatione ſua propria, hæc falſa & ſcandaloſa verba ac rumores de magnatibus & proceribus huius regni Angliæ ſubſequentia, prolocuꝫ eſt, videlicet, that &c. Quæ quidem omniá, quanquã falſa ſint, vt vera retulit, & multa alia verba ſcandaloſa adtunc & ibidem dixit & propalauit, contra pacem dictæ dominæ Reginę nunc, coronã & dignitatem ſuas, & contra formam diuerſorum ſtatutorum inde nuper ediꝫ & prouiſ.

For Shooting haileſhotte in a handgunne, vpon the Statute of 2. E. 6. wherein the ſtatute is recited.

Sect. 203. INquiratur pro dña regina, quod cum in ſtatuto in parliamento dñi E. nuper regis Angliæ ſexti apud Weſtm̃, Anno regni ſui ſecund', inter alia ordinaꝫ & inactitaꝫ exiſtit, qđ nulla perſona ſubter gradum dñi Parliamenti extunc deinceps ſagittaret in aliquo tormẽto infra ciuitatem vel villam, ad aliquá volucrem ſiue aliam metam ſup Eccleſiã, domũ, aut columbar̃, neq; qđ aliqua perſona ſagittaret in aliquo loco, aliquam ſagittationem voc' Haileſhot, aut pluꝫ glandines plumbeas, quã vnam vno tẽpore, ſub pœna forisfact' decẽ libraꝝ ꝑ quolibet tempore in quo ipſe contra ſtatuꝫ præd' delinqueret, & impriſonamenꝫ corporis ſui ꝑ ſpacium trium menſ. prout in ſtatuto p̃d' plenius cõtinetur. Quidam tamen I. C. nuper de B. in comitatu E. Yeoman, ſtatutum p̃dictꝫ minime ponderans, nec pœnam in eodem contenꝫ aliqualiter verens, quinto die Iunij &c. in quodã tormento Anglice vocaꝫ a Handgun, oneraꝫ pulucre & glandinibus plũbeis, Anglice charged with powder & haileſhot, in quandam anatem, adtunc in quadã palude in cõmuni campo voc' Netherfield de B. p̃d' in com̃ E. p̃d' exiſtenꝫ, ſagittauit & exonerauit, Anglice diſcharged, contra formam ſtatuti prædicti, ac contra pacem dictæ dñæ Reginæ nunc, coronam & dignitatem ſuam. A

For being a common Barrator, for keeping a blind Tauerne, and receiuing ſuſpicious perſons, and the wife a Scold.

Sect. 204. INquiratur &c. ſi I. S. nuper de C. in com̃ N. Labozer, eſt homo malæ conuerſationis & gubernationis, ac cõmunis barrator & pacis dominę Reginæ perturbator. Et quod idem I. S. apud G. præd' in comitatu N. predictꝫ cuſtod', tenet, & occupat quandam domum, ſiue Tabernam, nõ habenꝫ vſuale ſignum apte appoſitꝫ, vulgariter dict' a blind Tauerne. Et quod primo die I. anno &c. Necnon diuerſis diebus & noctibus antea & poſtea, in eandem domum diuerſos homines malæ conuerſationis, & ſuſpectæ, venienꝫ omnibus horis, tam noctis, quã diei, recepit & hoſpitꝫ eſt, per quod vicini ſui ac alij ligei populi dictæ dñæ Reg. ibid' multiplicitꝫ A

pliciter vexant̃, inquietant̃, & grauantur, & miniſtri dn̄æ Reg. propter pacis conſeruationem, officia ſua ibidem exercere & exequi prohibentur, & ſepænumero in periculo amiſſionis vitæ, & lęſionis corporũ ſuorum quotidie exiſtunt. Et quod I. vxor predict̃ I.S. eſt communis obiurgatrix, tam cum vicinis, quam cum alijs ligeis dictæ dominæ Reg', per qd̄ populi dict' dn̄æ Reginę multipliciter moleſtant̃, inquietant̃, & grauant̃, contra pacem dictæ dominæ Reginę &c.

For breaking of a ſtable and taking out of the ſame a gelding and a mare, and the acceſſorie after.

A IVratores pro domina Regina præſentant, quod A.B. nuper de C. in comitatu E. Gelder, viceſimo nono die Aug. Anno regni dictæ dn̄æ noſtræ Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ Reginę, fidei defenſoris &c. Triceſimo quarto, vi & armis, quoddam ſtabulum in domo manſionali cuiuſdam I.S. infra parochiam de C. p̃dicta in comitatu E. prædict̃ exiſtens, fregit, ac intrauit, & vnum equum ſpadonem (Anglice vocatum a Gelding) coloris albi, prætij ſex librarum, & vnã equã coloris nigri, prætij xxx. ſolidorum, de bonis & catallis ipſius I.S. tunc & ibidem exiſtentes inuentos felonice cæpit & abduxit, contra pacem dictæ domiñ Reginæ, coronam & dignitatem ſuas. Et quod K.H. nuper de C. predicta in comitatu E. predicto Hoſtecoſter, ſciens præfatum A.B. feloniam predict̃ apud C. pred' in comitatu E. pred' modo & forma predict̃, feciſſe & perpetraſſe, eundem tamen A.B. apud C. predict̃ in comitatu E. p̃d', xxx. die dicti menſis Aug. anno ſupradicto felonice recepit, & hoſpicio excepit, poſt feloniam p̃dictam ſic per ipſum A.B. vt præfertur factam & commiſſam: contra pacem dictæ dn̄æ noſtr̃ Reginæ nunc, & contra coronam, ac regiam dignitatem ſuas. Sect. 205. Receyt.

An indictment againſt a ſeruant of the age of 19. yeares, retained for one yeare for going away with tenne pound, the which his maſter deliuered vnto him, in truſt to keepe it for him.

A IVratores preſentant pro domina Regina, quod cum A.B. de C. in comitatu E. Mercer, viceſimo die Septembris, Anno regni Dn̄æ noſtrę Elizabethæ, Dei gratia Anglie, Francie, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, in domo manſionali ipſius A.B. apud C. predict̃ in comitatu E. pred' deliberaſſet cuidam E.F. de C. predicta in dicto comitatu E. Mercer, tunc ſeruienti ipſius A.B. pro vno Anno integro retento, ac ætatis nouem decem annorum exiſtenti, decem libras in pecunijs numeratis de bonis ipſius A.B. ea intentione, vt idem E.F. eaſdem ſaluo cuſtodiret, ad vſum præd' A.B. tunc magiſtri ſui: Idem E.F. dicto viceſimo die Septẽb. Anno ſupradicto (apprenticius dicti A.B. tunc non exiſtens) apud C. præd' in comitatu E. p̃d', a dicto magiſtro Sect. 206.

ſuo vna cum predict' decem libris dicti A.B. tunc magiſtri ſui, malitioſe & felonice diſceſſit, abijt, & aufugit, ea intentione, ad furandum dictas decem libras, contra fiduciam in eo p̄ pfat̄ A. B. tunc magiſtrum ſuum repoſitam & collocatam, & ad inde dictum A.B. magiſtrum ſuum p̄d' defraudandum: contra pacem dictæ dominæ Reginæ, ac contra formā diuerſorum Statutorum huius regni Angliæ in huiuſmodi caſu, prouiſorum & editorum.

For ſtealing of a Cowe, and the acceſſories before the offence committed.

Sect. 207. IVratores pro Domina Regina præſentant, quod A.B. de C. in comitatu E. Shoomaker, primo die Iu. Anno regni dict' dominæ noſtræ Elizabethæ, Dei gratia Anglie, Francię, & Hyberniæ Reginæ, fidei defenſoris, &c. Triceſimo quarto, in quodam loco infra parochiam de C. predicta in comitatu E. predicto (vocato the Cowe paſture) vi & armis &c. clauſum cuiuſdam I.S. de D. in comitatu E. predict' Yeoman, fregit & intrauit, & quādam vaccam (coloris nigri, pretij xl. ſolidorum) de bonis & catallis predicti I.S. tunc ibidem exitientem inuentam, felonice cepit, furatus eſt, & abduxit, contra pacem dict' dominæ Reginæ nunc, coronam & dignitatem ſuas. Et quod quidam G.H. de C. pred' in dicto comitatu E. Butcher, ante feloniam predict̄, ſcilicet eodem primo die Iunij Anno triceſimo quarto ſupradicto, eundem A.B. apud C. pred' in comitatu E. predicto, ad feloniam predict̄ faciendam & perpetrandā, malitioſe & felonice excitauit, perſuaſit, & procurauit, contra pacem dictæ dn̄æ Reginæ, coronam, & dignitatem ſuam. A

Procurement.

An indictment vpon the Statute of Anno 21. H.8. againſt a ſeruant aboue the age of 18. yeares, for going away with a bracelet of golde, woorth 17. li. deliuered to him by his Maſter to keepe, wherein the Statute is recited.

Sect. 208. IVratores præſent̄ &c. quod cum per quendam actum in Parliamento domini H. nuper regis Angliæ 8. apud Weſtmonaſter̄ in comitatu Midd', anno regni ſui xxj. tent̄, edit̄, per dictum dominum regem, cum aſſenſu dn̄orum ſpiritualium & temporaliū, ac cōmunitatis in eodem Parliamento congregat̄, necnon auctoritate eiuſdem, inter alia adtūc ibid' inactitat̄ exiſtit, Quod ſi aliquis ſeruus, cui eius Magiſter vel Magiſtra liberaret aliqua bona valor̄ xl.s. cuſtodiēd', diſceſſerit cū bonis illis cū intentione ad furandum vel retrahendum eadem, foret felonia, prout p̄ eundem actum plene liquet, Qui quidem actus poſtea per quendam alium actū in parliament̄ dn̄æ Mariæ nup̄ Reg. Angl' apud Weſtm̄ p̄d', ann̄ regni ſui primo, tent̄, edit̄, fuit repellat̄ & annihilat̄, ac poſtea p̄ quendam alium actum in parliamento dn̄æ Reg. nunc apud Weſtm̄ p̄d' ann̄ regni ſui 5, tent̄, edit̄, reuiuat̄, & adhuc in vigore exiſtit. A

Ac

Ac etiam cum C.P. armig' ſecundo die S. anno regni dictæ dominæ reginæ nunc xv. apud G. in comitatu M. pred', liberaſſet I.G. nuper de E. in comitatu M. pred' Huſbandman, adtunc ſeruientẽ ſuo & non appreñ ſuo exiſtẽ, & vltra ætatẽ xviij. annorũ quoddã brachiale auri, Anglic' a Bracelet of gold, valoris xviij. li. &c. de bonis & catallis pred' C. pro eodem C. ſaluo cuſtodiend'. Pred' tamen I.G. ſtatuẽ predict̃ minime ponderans, nec penam in eodem contentam verens, apud G. pred' in dict' comitatu M. eodem 2. die S. anno xv. ſupradicto, a præf. C. adtunc Magiſtro ſuo ſeipſum retraxit & cum brachiali pred' felonice diſceſſit, ea intentione ad furandum brachiale pred', ad defraudandum p̃d' C. Magiſtrum ſuum, de brachiali pred', contra fiduciam & confidentiam in eodem I. per præd' C. Magiſtrum ſuum repoſit̃, ac contra formam ſtatuti pred' inter ceteros Articulos quorum &c.

For conuerting Tillage into Paſture for Connies, to the hurt of the neighbours.

A IVratores præſentant pro domina regina, quod H.W. de A. in comitatu E. generoſus, primo die Nouemb. Anno regni dictæ dominæ noſtræ Elizab. Dei gratia &c. Triceſimo quarto, ſeiſitus exiſtens in dominico ſuo vt de feodo, de, & in 12. acris terræ arabilis in A. predict' in comitatu E. pred' iacentibus, (ac de, aut in aliqua libera warrenna non exiſtentibus, ſed per ſpacium 4. annorum dictum primum diem Nouẽb. Anno ſupradicto proxime præcedentium, in cultura et ſeminatione granorum vſitatis & applicatis) dicto primo die Nouemb. Anno ſupradicto, ac diuerſis alijs diebus et vicibus, antea, et poſt, pred' xij. acras terræ arrabilis, a cultura predict̃ et ſatione granorum, vſque in hunc diem præſentem, in paſturam pro cuniculis cuſtodiendis conuertebat, et adhuc conuertit & cuſtodit: Ad graue nocumentum I.R. R.T. et W.M. de A. predict̃ in dict' comitatu E. (vicinorum ibidem exiſtentium) ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu prouiſorum et editorum. Sect. 209.

An indictment againſt one, for ſuffering of 3. houſes of husbandrie to decay and for putting out of the husbandmen, and conuerting of the land belonging to the ſame, from tillage to paſture.

A INquiratur pro domina regina, ſi I.K. nuper de T. in comitatu E. genet̃, primo die Octob. Anno &c. ſeiſit̃ in dominico ſuo vt de feodo, de et in octo meſuag' agriculturæ in T. prædict̃ in dict' comitatu E. in quibus ſeptem ſeperales agricolæ (Anglice vocat̃ Huſbandmen) adtũc inhabitabant, ac de & in trecent̃ acris terr̃ arabil' in T. predict̃ in dict' comitatu E. in cultura et ſeminatione granorũ vſitat̃ et applicat̃ adtunc exiſtent̃, de quibus triginta acræ ad minus cum quolibet dictor̃ meſuagior̃ adtunc ſeperatim occupat̃ et vſitat̃ fuerunt. Et quod p̃d' I.K. leges Sect. 210.

& ſtatuta huius regni Angl' parui pendens, dicto primo die Octob. Anno &c. ſupradicto, ac diuerſis diebus, & vicibus, antea & poſtea, pro' ꝑprio lucro & ſingulari cõmod' ſuo, tres agricolas dictorum ſeptẽ, de tribus de ꝑdictẽ ſeptem meſuagijs adtunc expulit et amouit, et eadem tria meſuagia abſq; aliquo inhabitantẽ, ſiue aliquibus inhabitantibus in eiſdem, irreparatẽ ſtare, & in decaſ. & ruinam cadere, adtunc & deinceps vſque diem captionis huius inquiſitionis voluntarie cauſauit & permiſit. Inſuper quod præd' I.K. die & anno ſupradictẽ, ac diuerſis diebus et vicibus antea & poſtea, centũ acrẽ prædictarum trecentarum acrarum terrẽ arabil', iacentẽ & exiſtentẽ in T. præd' in comitatu E. prædictẽ, cũm foſſat' & ſepibus viuis incluſit, et illas abinde a cultura agriculturæ & ſeminatione granorum vſq; diem captionis huius inquiſitionis in paſturã, conuertebat et cuſtodiebat, et adhuc conuertit et cuſtodit, in malum et pernitioſum exemplum aliorum, ac contra formam diuerſorum ſtatutorum in huiuſmodi caſ. edit' & prouiſ. &c.

An indictment againſt a Prieſt for his affirming that the Pope of Rome is ſupreame head of the Church of England, and againſt one as acceſſorie for comforting of him therein.

Sect. 211. IVratores præſentant pro domina Regina, quod I.S. de C. in comitatu E. Clericus, xx. die menſis Aprilis, anno regni ſereniſſimæ dominæ noſtræ Elzabethæ, Dei gratia Anglie, Francie, & Hyberniæ Reginæ, fidei defenſoris &c. Triceſimo quarto, apud D. in comitatu E. predicto, ſcienter, conſiderate, malitioſe, & directe palam in præſentia multorum dictæ dominæ Reginæ noſtræ nunc ſubditorum, affirmauit, et defendit auctoritatem Papæ Romani eccleſiaſticam in hoc regno Angliæ preantea vſurpatam, his expreſſis verbis anglicanis ſequentibus, viz. I ſweare by the bleſſed Maſſe, and wil auow that our holy father the Pope of Rome, is the ſupreme head of the Church of England, in magnam derogationem Regiæ auctoritatis, et prerogatiuæ dictæ dominæ reginæ noſtræ, ac contra coronam & dignitatem ſuam, necnon contra formam diuerſ. ſtatutor' in huiuſmodi caſu editorum & prouiſorum. Et quod A. B. de D. prædictẽ in coñ E. prædictẽ Marechandloz, ſciens ipſum I.S. dicta verba loquutum eſſe, ac dictam dicti Papæ authoritatem modo & forma vt præfertur, defendiſſe, ipſum I.S. apud D. prædictẽ, in dicto coñ E. poſtea ſcilicet, xxij. die dicti menſis A. anno ſupradicto, conſolatus eſt & confortauit, ex induſtria & ex propoſito, & ad eam intentione, vt idem A. B. promoueret & efferret præf. dicti Papæ authoritatem vſurpatam, in pernitioſiſſimum aliorum exemplum, ac contra coronam, & dignitatem dictæ Dominæ reginæ noſtræ nuuc, ac etiam contra formam diuerſorum ſtatutorum in eiuſmodi caſu prouiſorum & editorum. A

An indictment against a Priest, for practising to absolue and perswade a widow woman from her obedience and subiection to the Queene, and to obay the authoritie of the sea of Rome.

A INquiratur pro domina regina, si A.B. de C. in dicto comit E. cle- Sect.212.
ricus, sexto die mensis Maij, anno regni dominæ nostræ Elizabethæ, dei gratia Angliæ, Francię, & Hyberniæ Reginæ fidei defensoris &c. Tricesimo quarto apud C. predict in Comitatu E. prędicto voluntarie & proditorie, conatus est, & practicauit absoluere, persuadere, & seducere quandam I.W. de C. prędicta in comitatu E. predicto viduam a naturali obedientia & subiectione sua quam eadem I. erga dictam dominam nostram reginam gerere debet, ad obediendum prætensæ authoritati Sedis Romanæ, tunc & ibidem proditorie præ se ferens & asserens se habere potestatem & facultatem id faciendi, & tunc & ibidem proditorie dicens eidem Ioannæ his anglicis verbis sequentibus, **mother Ioane you will haue a blacke soule (I tell you) if you do not the sooner forsake the Queene** (innuendo prædictam dominam nostram reginam nunc) **and her heresies, and yeeld your selfe to the obedience of our mother Church the holy See of Rome:** contra pacem dictæ dominæ nostræ reginæ, coronam & regalem dignitatem suam, & contra formā statuti in Parliamento dictæ dominæ nostræ reginæ tento apud Westmonast' in com̃ Midd', anno dicti regni sui vicesimo tertio, in huiusmodi casu prouis & editi.

An indictment against a Iesuite, and against one for receauing of him vpon the statute of An.27. of the Queene.

A INquiratur pro domina Regina. Si E.C. nuper de S. in comitatu E. prę- Sect.213.
dicto clericus, natus apud S. pred' in comitatu E. præd' atq; infra annum iam prox. præteritum factus & professus Iesuita per authoritatem a sede Romana deriuatam, proditorie apud S. prædict' in comitatu E. prædicto, sexto die Iulij, anno regni dict' dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ & Hyberniæ reginæ, fidei defensoris &c. Tricesimo quarto, a partibus transmarinis applicuit, & dicto sexto die anno supradicto, & nonnullis alijs diebus tunc proxime sequentibus apud S. predictam in comitatu E. predicto, proditorie moram fecit ac remansit: contr̃ formam cuiusdam statuti in parliamento dictæ dominæ Reg. nostrę nunc tento apud Westm̃ in comitatu Midd' anno regni sui vicesimo septimo, in huiusmodi casu prouisi & editi, ac contra pacem dictæ dn̄e Reginæ, coronam, & dignitatem suas. Et si W.B. de S. præd' Receyt.
in dicto comitatu E. mercator, scienter, voluntarie, & felonice, postea scilicet, dicto sexto die dicti mensis Iulij anno supradicto, predict' E.C. apud S. prædict' in com̃ E. præd' receptauit & comfortauit, dicto W.B. adtunc & ibid' ad largum, & extra prisonam existente, ac præf. E.C.

huiuſmodi Ieſuitam eſſe, tunc & ibidem ſciente et cognoſcente: Contra formam ſtatuti predicti, ac contra pacem, coronam & dignitatē dictæ dn̄ę Reginæ noſtræ.

For a Treſpaſſe in Corne, Graſſe, and Plowing.

Sect. 214. INquirat̄ pro Domina Regina, ſi A.B. de C. in com̄ E. Yeoman, xx. A die menſis A. Anno regni dominæ noſtræ Elizab. Dei gratia Angliæ, Franciæ, & Hyberñ Reginæ, fidei defenſoris, &c. Triceſimo quarto, quoddam clauſum cuiuſdam I.S. apud C. prædict' in com̄ E. præd' (vulgariter voc' Cow leaſe) vi & armis fregit ac intrauit, ac herbas, & blada triticea ipſius I.S. tunc ibidem creſcentia (ad valentiam xx.s.) cū quibuſdam bobus, & bidentibus ipſius A.B. tunc ibidem depaſtus eſt ac conſumpſit, necnon ſolum et fundum ipſius I.S. tunc ibidem, cum quodam aratro ſubuertit, per quod prędict̄ I.S. omne commodum et proficuum dicti ſoli ſui per longum tempus poſtea amiſit, Ac alia damna et enormia prædict̄ I.S. tunc ibidem intulit, ad graue damnum ipſius I.S. ac contra pacem dictæ Dominæ noſtræ Reginæ nunc, coronam & dignitatem ſuas.

For eating Corne with a flocke of ſheepe.

Sect. 215. INquirat̄ &c. ſi I.M. de M. in com̄ E. Sheepheard, xx. die M. Anno A regni &c. apud V. in com̄ E. prædict' vi & armis, viz. baculis & cultellis clauſum I.S. fregit, & blada ipſius I.S. viz. hordea & auenas in xxx. acris terræ tunc ibidem creſceñ cum grege ouium in cuſtodia ſua exiſteñ depaſtus fuit, conculcauit et conſumpſit, & alia anormia ei intulit ad graue damnum ipſius I.S. ac contra pacem dict' &c.

For Treſpaſſe in fiſhgarthes in the hands of diuers farmors, and for the taking of three Salmons.

Sect. 216. IVrat̄ præſent̄ pro dn̄a Reg. quod W.S. de B. in com̄ L. yeoman, I.W. A de ead' villa, in com̄ L. p̄d' yeoman, & I.W. de T. in com̄ L. p̄d' yeom̄ 8, die Martij, Anno &c. circa horam quartam poſt meridiem eiuſdem diei, in S.K. et B. in com̄ L. p̄d' vi & armis &c. in quād̄ piſcar̄ voc' Fiſhgarthes tunc in tenura & occupatione R.F.C.L. & I. firmar̄ ibid' dict' dn̄æ Reg. intrauer̄ & freger̄, & tres Salmones ad valenc' xx.s. de bonis & catall' p̄d' R.F.C.L. & I.L. in piſcar̄ p̄d' ceperunt & abinde aſportauer̄, contra voluntatem p̄dict' R.F. &c. ad graue damnum ipſorum R.F. &c. ac contra pacem dictę dn̄ę Reginæ nunc &c.

An indictment againſt one for taking aboue the rate of 10. li. in the 110 li. for the lone thereof for one yeare.

Sect. 217. IVratores pro domina Reg. prę ſent̄, quod vbi A.B. de C. in com̄ E. A Merter, primo die O. Anno regni dominæ noſtræ Elizab. Dei gratia Anglie,

Anglie, Franciæ, & Hyberniæ Reginæ, fidei defensoris &c. Tricesimo quarto apud C. prædictam in dicto com̃ E. mutuo dedisset, & accommodasset cuidam D.E. de C. præd' in dicto com̃ E. Shoomaker, summam xx.libr̃ in pecunijs numeratis de pecunijs dicti A.B. ea intentione, vt idem D.E. viginti libras eidem A.B. redderet & resolueret primo die Aprilis tunc proxime futuro: Idem A.B. adtunc & ibidem iniuste cepit & habuit pre manibus, de prenominato D.E. viginti sex solidos in lucro, vsura, & proficuo, pro differendo & dando diem solutionis, sic vt prefertur, earundem xx.libr̃ a dicto primo die Octo. anno supradict' vsq; dictum 1. diem A. tunc proxime sequentem, qui quidem viginti sex solidi (modo & forma prædictis, pre manibus capti & habiti) multo excedunt & superant ratam & proportionem decem librarum pro centum libr̃ pro vno anno integro accommod' ad damnum non mediocre ipsius D.E. ac in contemptum dictæ dominæ Reginæ nunc, necnon contra formam diuersorum statutorum in huiusmodi casu prouisorum & editorum.

An other Indictment of the same effect vpon the statute of Anno 37.H.8. in the which the statute is recited.

A IVrator̃ pro domina Regina presen̄t, quod cum per quendam actum in Parliamento dñæ Regiñ nunc apud Westm̃ in com̃ Midd' ij. die A. Anno regni sui tertiodecimo, tent̄ edit̄ int̄ alia inactitat̄ fuit, quod quidam actus in Parliamēto dñi H. nuper Reg. Ang' 8. apud Westm̃ præd' anno regni sui xxxvij. tent̄ edit̄ pro reformatione vsure ab & post xxv. diem Iunij prox' sequen̄ præd' secundo die A. Anno regni dictæ dominæ Reginæ nunc xiij supradicto reuiuat̄ foret & staret in suo pleno robere vigore & effectu, in quo quidem actu in parliamento dicti nuper regis H.8. Anno regni sui 37. supradicto tent̄, & edit̄, inactitat̄ fuit authoritate eiusdem parliament̄, quod nulla persona siue personæ cuiuscunque status, gradus, siue conditionis, ipse vel ipsi foret siue forent, ad aliquod tempus post vltimum diem Ianuarij in actu illo mencionat̄, per viam siue medium aliquarum corruptarum barganiæ, accommodationis, excambij, cheuasancie, cautele, siue interesse, aliquar̄ marchandizar̄, mercium, aut alicuius alius rei siue aliquarum aliarum rerum quarumcunque, aut per aliquam aliam corrupt̄ siue deceptiuam viam vel mediam aut per aliquam cominam, ingenium, siue deceptiuam viam, vel conueiantiam, haberent, reciperent, acciperent, siue caperent, in lucro vel proficuo, pro differendo seu dando diem solutionis vnius anni integri, de & pro eius vel eorum denarijs, vel alia re que foret debita pro eisdem mercibus merchandisis siue alia re vel rebus, vltra summ̃ decem libraꝝ pro centum libris, & sic secundum ratam illam, & non vltra, de & pro maiore siue minore summa, seu pro longiore siue breuiore tempore, & non plus siue maius lucrum vel summa inde habend', sub pena forisfaciendi Sect' 218.

endi

endi & amittendi pro qualibet offenſ. triplum valorem mercium, merchandizaꝝ,& alius rei vel rerum ſic barganizaꝝ, vendiꝝ,excambiaꝝ, ſiue accommodaꝝ, ac etiam haberet & ſufferet impriſonamentum corporis ſui, & faceret finem & redemptioñ ad voluntatem dicti domini Regis, de qua quid' forisfactura triplicis valoris præd', vna medietas eſſet dicto dño Regi,& altera medietas illi vel illis qui quo eadem proſequerenꝝ in aliqua curiarum dicti nuper regis de recordo, in qua ſecta nulla vadiatio legis,eſſonium,ſiue protectio alocaretur, prout in eod' ſtatuꝝ de annñ 27. dicti nuper Reg.H.8.ſuprad' plenius continetur : Cumque etiam quidã R.B.de &c. poſt prædictꝝ 2.diem A,anno xiij. dictæ dñæ Reg. nunc ſuprad', ſcilicet 22.die D,anno regni eiuſdem dominæ Reg. 21. apud L. in comñ E.præd', accommodaſſet cuidam C.F.iiij.li. idem R.B,ſtatuꝝ p̃dictꝝ minime ponderans,nec pœnam in eodem contentꝝ verens,adtunc & ibidem recepit & habuit de prefatꝝ C. F. in lucro & profieuo pro differendo & dando diem ſolutionis earundem iiij. li, ab eodem 22. die D. anno 21,ſuprad' vſque vj. diem A, tunc proximñ ſequeñ viij. s. qui quidem viij.s. in lucro & proficuo pro differendo & dando diem ſolutionis dictarum iiij.li, a prædict' 22.die D. anno 21.ſuprad', vſque prædictꝝ vj. diem A. extunc prox' ſequeñ,excedunt ratam x.li,pro 100.li. pro vno anno integro contra formam & effectum ſtatuti prædicti,ad graue damnum ipſius C.F.&c.

An Indictment againſt one occupying a Plow-land in the Pariſh for not comming at the daies appointed by the Surueiors of the high wayes, to helpe to amende the high waies within the pariſh.

Sect' 219. IVratꝝ pro Domina Reg.preſentꝝ,quod vbi die Martis in ſeptimñ P.iam vltimo preterito,ſcilicet 7.die menſis A. Anno regni dictæ dñæ noſtræ Eliz. Dei gratia Ang' Fr.& Hyb.Reginæ,fidei defenſoris &c.34. A. B. tunc Conſtabularius villæ de C.in dicto comñ E.&c.et D.E.& F.G.tum guardiani eccleſiæ parochialis de C.prædictꝝ in comitatu E.prẽd'exiſtentes,vocatis ad ſe multis alijs parochianis dictæ parochiæ de C.tunc & ibidem elegerunt quoſdam I. S. & R. N. duas honeſt' eiuſdem paroch' perſonas, in ſuperuiſores pro anno integro tunc proximñ ſequeñ,pro emendatione & reparaꝝ altarum regiarum viaꝝ infra dict' paroch. de C. ducentium a villis mercatorijs, ad vill' mercatorias: Ac etiam tunc ibid' nominauerunt & appunctuauerunt ſex dies, viz. 1.2. 3.4. 5. & 6. dies menſis Maij tunc prox' ſequentꝝ, pro dicta emendatione dictarum viaꝝ, & nominaꝝ pro emendatione illius viæ Regiæ ibid',que eſt inter &c.atque de eiſdem ſex diebus ſic per eos,vt prefertur,nominaꝝ & appunctuatis dederunt palam poſtea (ſcilicet die dominic' dict' Paſch.tunc proximñ ſequenti) publicam notitiam in dicta eccleſ.parochiali. Quidam tamen T.W.tum & adtunc parochianus de C.præd' in comiꝝ E. prædictꝝ exiſtens, A

exiſteus,ac tum habens & occup̃ in dicta paroch.de G.in comit̃ E. prædict̃, vnam integram carucatam terræ arabilis (Anglic' dict' a plough-land)ad nullum dictor̃ 1.2.3.4.5.6. dierum dicti menſis Maij anno ſuprad',prorſus inuenit,aut miſit currum inſtructū (Anglice dict' a waine, or cart furniſhed)equis,bobus,aut alijs animal',& neceſſarijs inſtrumẽtis,ſecund' morem patriæ ibid': nec vllos habiles hominũ, erga emendationem & reparationẽ dictarum viar̃,aut earum aliquã,ſiue aliquam inde parcellam,ſed inde tunc ibid' voluntarie fecit defaltam: in dictæ dominũ Reginæ contemptum, ac contra formam diuerſ. ſtatutor̃ in huiuſmodi caſu prouiſ.& editorum.

An Indictment againſt a Towne for not keeping watch according to the ſtatute of Wincheſter, Anno 13.E.1.

A IVrat̃ pro dña Regiñ preſentant,quod a x.die Iuñ, anno reg' dict' dominæ noſtræ Eliz.,Dei gratia Angliæ, &c. 35. vſque vltimum diem menſis Aug'anno ſuprad',homines & inhabitantes villæ de C. in com̃ E.nullas vigilias a ſolis occaſu vſque ad ſolis ortum,in dicta villa de C.in comit̃ E.præd',per aliquot homines fecerunt, aut cuſtod' prout de iure & antiqua conſuetudine huius regni Ang' facere debent & ſolebant: In dictæ dñæ Reginæ nunc contempt̃, ac contra forin̄ cuiuſdam ſtatut̃ in Parliament̃ dñi Ed.olim Regis Angl' primi,apud Winton, anno regni ſui 13.tento,in huiuſmodi caſu prouiſ.& editi. Sect' 220.

An Indictment againſt the inhabitãts of a hundred,for not keeping ſeawatch at Sandgate,according to the ſtatute of Anno 5.E.4.

A IVrat̃ pro dña Reg. preſentant, quod vbi hominũ & inhabitantes hundredi de F.in comit̃ M.præd',antiquitus (viz.,ante annum regni domini H. nuper Regis Angliæ quarti quintum) quaſdam maritimas & minutas vigillias (Anglice voc' Seawatch) tempore belli per coſteram maris in quodam loco(vocato Sandgate)in dicto comitatu M.per quatuor homines ſingulis noctibus (a tempore in cuius contrarium memoria hominum tũc non exiſtebat)cuſtodire debebant & ſolebant: dicti tamen hundredi de F. homines & inhabitantes nunc, tempore nuper belli,viz.a 24.die Iulij, Anno regni dictæ dominæ noſtr̃ Eliz. Dei gratia &c.30.vſque 34.diem dicti menſis Iulij,anno ſuprad', præd' vigilias apud Sandgate prædict̃,modo & forma præd', facere & cuſtodire voluntarie pretermiſerunt & neglexerunt, ac in eiſdem vigilijs tunc ibid' (ſic vt prefertur faciendis ac cuſtod') voluntariam fecerunt defaltam: In dictæ dominæ Reg' contemptum, ac huius regni ſui Angliæ diſcrimen non modicum,ac contra formam ſtatut̃ in Parliamento dicti domini H. nuper Regis Angliæ iiii.tent̃,Anno regni ſui v.præd',in huiuſmodi caſu prouiſi ac editi. Sect' 221.

For

For killing a man by Witchcraft vpon the ſtatute of Anno 5 of the Queene.

Sect' 222. IVratoꝝ preſentant pro Domina Regina, quod S. B. de C. in comitatu H. vidua, x. die Aug', anno regni dictæ dominæ noſtr̃ Eliz. dei gratia, Angliæ &c. Triceſimo quarto, ac diuerſis alijs diebus poſt dict' x. diem, quaſdem artes deteſtandas Anglice voc' witchcraft and ſorcery, nequiter & felonice practicauit & exercuit apud C. præd', in coñ H. præd', in, ſuper, & cont̃ quẽdam I. N. de C. præd' in dict̃ coñ H. Laborer, per quas quidem artes, dict' I. N. a præd' x. Aug', Anno 34. ſuprad', vſque diem p̃dict' menſis Aug' anno 34. ſuprad', periculoſiſſime ac mortaliter ægrotabat & languebat, Ac eodem 24. die Aug' anno ſuprad' idem I. N. per artes præd' in dicto coñ H. obijt. Et ſic Iuratores prædict' preſentant, quod eadem Sara ipſum I. N. apud C. prædict̃, modo & forma ſuprad', ex malitia ſua precogitata, voluntarie, diabolice, nequiter, & felonice p̃ artes præd', occidit ac interfecit, contra pacem dictæ domiñ Regiñ noſtræ, ac contra formam ſtatuti in parliamento dictæ dominæ Reg. noſtræ (tento apud Weſtm̃ in coñ Midd' anno regni ſui præd' quint̃) in huiuſmodi caſu prouiſi ac æditi. A

Sect' 223. *The like Indictment.* A

INquiratur pro domina Regina, ſi Marg. L. de A. in comitatu E. Spinſter, 23. die Iuñ, anno regni dñæ noſtræ Eliz. xv. ac diuerſis alijs dieb⁹ & vicibus, tam antea quam poſtea, Deum pre oculis ſuis non habens, ſed inſtigatione diabolic' ſeduct̃, quaſdam malas diabolic' artes, Anglice vocat̃ Witchcrafts, Inchauntments, Charmes, and Sorceries, nequiter diabolic' & felonice apud H. præd', in coñ E. præd', ex malitia ſua precogitata vſa fuit, practizauit, & exercuit, in & ſuper quendam W. N. pretextu cuius præd' W. a præd' 13. die Iuñ anno ſuprad' vſque 24. diem Dec' anno regni dictæ dñæ Reginæ Eliz. &c. 35. prædict̃ languebat, quo quidẽ 24. die Decemb. ſuprad', præd' W. ratione practicationis & exercit̃ diabolic' artium præd', apud H. præd' in coñ E. p̃d', obijt. Et ſic præd' M. ipſum W. apud H. p̃d', in coñ E. pred', modo & forma ſupradict̃, & ex malit̃ ſua precogitat̃ felonice interf. contra pacem dictæ dñæ Regiñ, & contra forñ ſtatuti &c.

For bewitching a Horſe, whereby he waſted and became worſe. A

Sect' 224. INquiratur pro Domina Regina ſi Sara B. de C. in comitatu Eb. vidua, 20. die Aug. anno regni dictæ dñæ noſtræ Eliz. &c. 34. quaſdam artes nequiſſimas (Anglice vocatas Inchantments and Charmes) apud C. p̃dict̃, in comitatu E. prædicto, malitioſe, & diabolice, in, ſuper, & contra quendam equum, coloris albi, precij 4. li. de bonis & catallis cuiuſdam I. S. de C. præd' in dicto coñ E. generoſi exiſtentem, exercuit, & practicauit.

cauit. Per quod idem equus dicti I.S. xx. die præd' apud C. prædict', omnino peioratus est, & vastatus: contra pacem dictæ dñæ Reg. & contra form̃ statut̃ in eiusm̃ casu prouis̃, ac editi.

For taking away of a widdow, and marrying of her against her will contrary to the statute of Anno 3. H. 7.

A IVratorꝰ presentant pro dña Regina quod A. B. de C. in dicto com̃ E. Singingman, 2. die Aprilis, anno Reg. dict' dominæ nostre Eliz. &c. 35. vi & armis in domum mansional' cuiusd' H. B. de C. prædict', in com̃ E. præd', vidue infra parochiam de C. præd', in com̃ E. præd', intrauit, (que quidem H. B. tunc sesita fuit in dominico suo vt de feodo, de & in diuersis terris & tenementis in C. præd', in com̃ E. præd', clari annui valoris x. li. vltra omnes repris̃as exist̃entibus) ac immediate postea, viz. dicto 2. die Aprilis, anno supradict̃ idem A. B. prædict' H. B. tunc ibidē in dicta domo sua in pace dei, ac dictæ dominæ Regin̄ exist̃entem, ex dicta domo sua mansionali contra voluntatem ipsius H. B. illegittime ac felonice extraxit, eripuit, & abduxit ac eandem H. B. postea (scilicet 3. die dicti mensis Aprilis, anno suprad') in ecclesia parochiali de C. præd' in com̃ E. prædict', cepit in vxorem suam: vbi idem A. B. dicto tempore extractionis & abductionis prædict̃, nun clamauit, nec clamare potuit, eandem H. B. tanquam Wardam suam, aut tanquam natiuam suam: in magnam pacis dictæ Dominæ Reginæ nunc perturbationem, ac contra formam cuiusdam Statuti in Parliamento Domini Henrici nuper Regis Angl' septimi, tento, Anno regni sui tertio, in huiusmodi casu prouis̃ ac editi. Sect. 225.

An Indictment for Burglarie by night.

A IVratores presentant pro domina Regina quod E. D. nuper de &c. 2. die I. &c. vi & armis &c. domum mansional' R. H. apud E. in com̃ predict̃ circiter horam vndecimam in noctem eiusdem diei adtunc & ibidē felonice & burglariter fregit contra pacem dictæ dñæ &c. Sect' 226.

An Indictment for stealing a Hogge in a Common.

A IVratores presentant pro domina Regina quod F. B. de &c. quarto die Februarij &c. vi & armis &c. in quandam communiam intra nouam Forrestam vocat̃ H. intra parochiam de C. in C. prædict̃ fregit & intrauit & vnū porcum coloris redspeckled, precij xij. d. de bonis & catallis B. D. adtunc & ibidem inuent̃ felonice cepit & effugauit contra pacem dictæ dominæ Reginæ &c. Sect' 227.

An Indictment for a wilfull escape of a Prisoner committed for felonie to a Constable to be brought to the common Gaole, and a Knight who is no Iustice

Iuſtice of peace commanded the ſaid Conſtable to bring the Priſoner before him, by reaſon whereof the ſaid priſoner did eſcape.

Sect' 228. IVratores preſentant pro dña Regina quod cũ I.D. nuper de &c. pro diuerſis felonijs per ipſum perpetrat & pro eiſdem felonijs coram A. B. arñ vno Iuſticiar dictæ dominæ Reginæ ad pacem Conſtabular dictæ dominæ Reginæ concordat fuerit, & per eundem A. B. ſub cuſtod' præd' Conſtabular pro felonia præd' ad generalem gaolem dictæ dñæ Reginæ in com præd' emmiſſ. fuit ibidem ſaluo cuſtodiend' quouſque ſecundum legem & conſuetud' huius regni Angliæ deliberetur. Et W. P. de &c. Miles non exiſtens Iuſtic' dictæ dñæ Reginæ ad pacem in comit præd' miſit & precepit quendam I.N. de &c. Conſtabular &c. ad ducendum præd' I.D. coram ipſo. A

An Indictment for ſtealing Sheepe.

Sect' 229. IVrat preſentant &c. quod A.B. &c. quarto die &c. vi & armis viz. &c. clauſum T. G. de &c. fregit & intrauit & duas oues matrices coloris nigri precij vij.s. de bonis & catallis dicti T.G. felonice cepit abduxit & aſportauit contra pacem &c. A

An Indictment againſt one for breaking of a houſe, & murdering of one with Cudgill in his bed by priuitie and conſent of the wife of the murthered.

Sect' 230. IVrat preſentant quod &c. Ed. nuper de E. &c. circa horam duodecimam in nocte eiuſdem diei, deum coram oculis non habens ſed ex malitia ſua precogitata, vi & armis, viz. &c. domum R. P. apud C. in comit præd' felonice & burgulariter fregit & intrauit, & in prefat R. P. adtunc & ibidem nudum in lecto ſuo iacentem inſultum & affraiam fecit, & eum cum vno baculo valoris xij.d. vocat a Cudgill, eundem R. P. ſuper caput ſuum vſque ad cerebrum, adtunc & ibidem felonice percuſſit dans ei plagam mortalem: de qua quidem plaga mortali idem R. P. adtunc & ibidem inſtanter moriebatur. Et ſic idem E. L. eundem R. P. adtunc & ibidem interfecit & murderauit, contra pacem dictæ dominæ Reginæ. Et quod quedam Agnes P. nuper de &c. Spinſter vxor prædict R. P. tertio die Iunij Anno &c. ac diuerſis diebus antea & poſtea eundem diem & ante feloniam & murdrum prædict in forma præd' apud W. præd' in C. præd' pref. E. L. ad feloniã & murdrem præd' fact & perpetrand' felonice procurãt & abbettauit, contra pacem dictæ dominæ Reginæ. Et etiam quod ead' A. P. ſcieus præfat Ed. feloniam & murdrum prædict in forma præd' feciſſe & perpetraſſe E. L. prædict tertio die Iunij Anno &c. apud W. prædict' in C. præd' felonice receptauit & confortauit, contra pacem dictæ dominæ Reginæ. A

An

An indictment of Manslaughter.

A IVratores presentant &c. pro domina Regina, quod A.B. &c. octauo die I. vi & armis, viz. in Iohañ P. apud B. prædict in pace dei & domiñ Reginæ existeñ insultum & affraiam fecit cum manu sua dextra præfat I.P. in capite suo felonice, adtunc & ibidem percussit dans ei plagam mortalem, de qua quidem plaga prædict I.P. adtunc & ibidem incontinenter obijt & sic idem A.B. præfat I.P. adtunc & ibidem felonice interfecit & murdrauit, contra pacem dictæ dñæ Reginæ. Sect' 231.

An Indictment for vsing more Artes then one vpon the statute of Anno tertio of Ed. 3.

A INquiratur pro domina Regina quod cum in statuto in parliamento domini Ed. nuper Regis Angliæ tertij post conquestum Anno regni sui tertio tenī inter cetera ordinat sit & statuī, Quod artificiarij & gentes occupationem habentes & quilibet eorum ad suam artē seu occupationem se teneat, & quod nullus exerceat aliam artem seu occupationem nisi tamen eam quam elegit: Et si aliquis in contrarium fecerit per imprisonamenī corporis sui per spatium duorum annorum puniatur & vlterius finem & redemptionem domino regi fact' prout in eodem statuto plenius continetur: S.A. B. de C. in comitat N. Baker, alias dictus A.B. de C. in comitat N. prædict Milner, Statuī prædict' minime ponderans nec penam in eodem statuto contenī verens, a secundo die Iulij Anno regni Hen. 8. &c. vsque quartum diem Ap. anno 23. domini regis supradict tam artem molendarij quam artem pistoris panis humani apud C. prædict continue exercebat in dicti domini regis contemptum, ac contra formam Statuti præ dict'. Sect' 232.

An Indictment for regrating af Corne.

A INquiratur &c. Si R. L. nuper de T. in comitat L. yeoman, & H.D. nuper de N. in comitat prædict yeoman, xx. die Iu. Anno &c. apud B. & T. in comitat prædict emerunt et regratauerunt de T. S.R. R. & alijs legijs dñi regis 50. quarteria frumīti pretij xxv. li. centī quart hordei ꝑcij 24. li. & al' frumēt & hord' in domibus mancionibus siue vt regratores mercati dicti dñi reg' accumulauer & custodiuer, ea intentione vt frumentum, hord' & alia grana sub suis custodijs ad suum libitū exponere & vendere potuerunt, ob quod grana in mercat & villis comitat prædict multiplicit cariorara & rariora forent in graue damnum populi domini regis in eodem comitatu commorant et in contempt Domini Regis, ac contra formam Statuti in huiusmodi casu edit et prouis, &c. Sect' 233.

An

An Indictment for a Robberie done by the high way vpon the person of one.

Sect' 234. IVrat̄ presentant &c. Quod vbi I.B. de L. gen̄ xiij. die &c. Anno &c. A
fuit in pace dei & dicti domini Regis in Regia via apud parochiam Sancti E. in campis in Comitatu M. ibi eisdem die & Anno venerunt I.M. de D. in comitat̄ M. yeoman, & R.H. de eadem in comit̄ prædict yeoman, laici homines & non infra sacros ordines subdiacon̄ ne vltra existen̄ felonice vt felones dicti domini Regis in præd' I.B. insultum fecerunt & ipsum verberauerunt, vulnerauerunt & maletractauerunt: Ita quod de vita eius desperabatur ac viginti solid' in pecunijs numeratis de bonis & catallis ipsius I.B. adtunc & ibidem inuent̄ & existent̄ felonice ceperunt & asportauerunt, contra pacem dicti domini regis, ac contra formam Statuti eiusdem domini regis anno regni sui xxij. editi & prouis.

An Indictment for Burglarie in a dwelling house, for putting the household in feare and for the taking away of xx.li. in money.

Sect' 235. INquiratur &c. Si I.M. de D. in comit̄ M. yeoman, laicus homo & non A
infra sacros ordines Subdiaconum nec vltra existen̄ duodecimo die &c. Anno &c. vi & armis, viz. gladijs, cultellis, & dagorijs domum & mansorium R.V. apud I. in dicto comit̄ M. scituat̄ & existen̄ eodem R. V. & A. vxore eius & alijs seruien̄ siue in eadem domo & mansorio adtunc, & ibidem existen̄ felonice fregit & intrauit, ac in timore corporali posuit & viginti libris in pecunijs numeratis de bonis catallis & denarijs ipsius R.V. adtunc & ibid' inuent̄ felonice ceperit, spoliauit, & asportauit contra pacem dicti domini Regis, ac contra formam statuti, eiusdem dñi Regis, Anno regni sui 23. editi & prouisi.

An Indictment of Murder ex propensa malitia fact'.

Sect' 236. INquiratur pro domino rege si I.D. de D. in comit̄ præd' yeoman, laicus homo &c. vi & armis, ac ex sua malitia precogitata in W.H. adtunc & ibidem in pace dei & domini regis nunc existent̄ insultum fecit & cum vno gladio, pretij xij.d. quē idem I. in manibus suis adtunc & ibidem tenuit præf. W.H. felonice percussit, & dedit ei tunc & ibidem super caput suum vsq; cerebrum vnam plagam mortalem de qua quidem plaga mortali idem W.H. adtunc & ibidem instanter moriebatur: Et sic idem I.D. prefato W.H. modo & forma prædict̄ felonice, interfecit & murderauit contra pacem dicti domini Regis coronam & dignitatem suam & contra formam statuti de Anno 23. Regis Hen. 8. nuper edit̄ & prouis. &c.

An

An Indictment for robbing of a church of diuers and ſeuerall things in the ſame.

A INquiraꝫ &c. ſi I. M. nup de D. in coñ M. & R. H. nup de ead' villa & coñ pred' yeomen, laici homines, & non infra ſacros ordines ſubdiacon vel vltra exiſtenꝫ xiij. die Maij anno &c. vi & armis, viz. gladijs baculis & cultellis eccleſiã pochialem omniũ ſanctoꝝ de E. apud E. in coñ p̃d' circa horam 12. in nocte eiuſdẽ diei felonice fregerunt & intrauerunt & duas callices de argento deauraꝫ, & duo veſtimenꝫ de nigro veluet, vocaꝫ Copes, tres pannos lineos vocaꝫ Altar cloathes, vnam tunicã fixam ſup imaginẽ beatę Mariæ infra eandẽ eccleſiã cũ diuerſis annulis de auro & lapid' præcioſis in eiſd' annex' & affigaꝫ ad valenc' 20. li. ac xx. s. in pecunijs numeratis de bonis ornamentis & denarijs parochiarum de E. prædict' in cuſtod' Io. B. & T. P. cuſtod' & gardianorum, bonorum ornamentorum & denarioꝝ parochianoꝝ parochie de E. præd', & tunc & ibidem exiſteñ extra cuſtod' dictorum gardianorum extra eccleſiam prædict' adtunc & ibidem felonice furati ſunt ceperunt & aſportauerunt contra pacem dicti domini Regis ac contra formam ſtatuti eiuſdem domini Regis Anno regni ſui xxiij. editꝫ & prouiſ. Sect. 237.

An Indictment againſt one being a man of euill behauiour, for keeping of a blind Tauerne without a ſigne, and for receauing and lodging of lewde perſons, and that his wife is a cemmon ſcold.

A INquiratur &c. S. I. S. nuper de C. in coñ N. Labourer, eſt homo male conuerſacionis & gubernacionis ac communis barrectator & pacis domini Regis perturbatoꝝ. Et qđ idem I. S. apud C. præd' in comitꝫ præd' cuſtodit tenet & occupat quandam domum ſiue Tauernam non habentem vſuale ſignum aperte expoſitꝫ vulgulariter dict' a blind Tauerne. Et quod primo die &c. Anno &c. nec non diuerſis diebus & noctibus antea & poſtea in eandem domum diuerſos homines malæ conuerſationis & ſuſpect' venieñ omnibus horis tam noctis quam diei recepit & hoſpitaꝫ eſt, per quæ vicini ſui & alij legei populi dict' domini Regis ibidem multipliciter vexentur inquietantur & grauenꝫ, & miniſtri domini Regis propter pacis conſeruacionem officia ſua ibidem exerceñ & exequeñ prohibentur & ſepenumero in periculo omiſſionis vitæ & leſionis corporum ſuorum ſuorum quotidie ponuntur. Et quod I. S. vxor prædict' I. S. eſt communis abiurgatrix tam cum vicinis quam cum alijs legeis populi dict' domini Regis, per quod multipliciter moleſtanter inquietanter & grauanter contra pacem dict' Domini Regis. Sect. 238.

An Indictment for ſelling Ale in veſſels called kilderkins.

A IVratores præſentant quod I. R. de noua C. in comitꝫ A. pandaxator & A. I. de ead' C. prædict' Beere ſellar, ſunt communes pandaxa- Sect. 139.

tores in C. præd' et decimo die &c. Anno &c. ac diuersis vicibus antea et postea vendidẽ ceruisiam, et ceruisiam per diuersa vasa vocãt Kilderkins tam magna quam parua contra formam Statut̃ inde edit̃ ad graue dampnum populi domini Regis &c.

An Indictment of a Priest for keeping of a Concubine.

Sect. 240. INquiratur pro domino Rege, Si H. R. nuper de K. in comitatu W. A Clericus primo die Decemb. Anno regni Regis Hen. 8. xxij. vi & armis deum præ oculis suis non habens nec legem dei & domini Regis timens & ordinem sacerdotalem nihil regardans tanquam Ribaldus et luxuriosus & riotose sicut transgressus malefactor et pacis domini Regis perturbator irregulariter & extra legis morem & honestam vitæ vertuosæ & sacerdotiæ dignitat̃ seipsum vtens apud K. prædict' in comitatu præd' hospitium illicitum leuauit & custodiuit, et quandam A. B. mulierem defamat̃ et stuprosam publice et notorie custodiuit occupauit et habuit et ipsam A. B. a prædict̃ tertio die Decemb. Anno supradicto adtunc & ibidem continuand' & adhuc quotidie & noctuatim manifeste & aperte custodiuit occupauit & habet in communi stupro lemocinum in maximum periculosum exemplum aliorum malefactorum contra pacem dicti domini Regis &c.

An Indictment for not cõming to the Church, vpon the Statute of Anno 1. Elizab.

Sect. 241. IVratores pro domina regina præsentant. quod cum per statut̃ in parliamento dominæ Eliz. dei gratia &c. Anno regni sui primo tent̃ apud W. in com̃ M. inter alia inactitat̃ et inordinat̃ exitit, quod post festum sancti Iohannis Baptiste. Anno regni dictæ dominæ Reginæ primo, omnis & omnimod' persona & personæ inhabitant̃ in hoc regno Angliæ vel alibi infra dominacionem dictæ dominæ Reginæ diligenter et credulenter habentes nullam legalem seu rationabil̃ excusationem abessẽdi interuenient̃ semetipsos adire ad suã parochialẽ ecclesiã vel capellam consuet̃ vel super racionabile impediment̃ ad aliquem vsitat̃ locum vbi communes præcaciones & diuina seruitia dici vtent̃ tempore talis impediment̃ super quemlibet diem dominicam & alijs diebus ordinat̃ et vsitatis obseruari durante tempore omnium prędicacionum aut aliorum diuinorum seruitiorum vtend' et ministrand' sub pena punicionis per censuras ecclesiæ et etiam sub pena quod quelibet persona sic offendens forisfaciat pro qualibet tali offens. duodecem denar̃ leuand' per gardian̄ ecclesiæ parochialis vbi tale offensum foret fact' ad vsam pauperum inhabitan̄ eiusdem parochiæ de bonis terr̃ & tenement̃ talis offendent̃ prout in statuto præd' continet̃: Cumq; T. R. de D. in com̃ præd' ar̃, & A. vxor eius exitten̄ de parochia ecclesiæ parochialis de T. præd' infra quam quidem ecclesiam cõmunes præcaciones & alia diuina

uina ſeruicia in ſtatuť præd' ſpecificať poſt præd' feſtum natiuitať ſancti Iohannis Baptiſtæ anno primo ſupradicto, ſcilicet, die dominica proxime poſt feſtum ſancti Michaelis Archangeli Anno regni &c. xiij. diebus dominicis tunc ꝓxime ſequeñ & octo alijs diebus feſtiualibus eaſdem xij. dies dominicas interuenienť decebanť et vtebanť p̃d' T. et I. nō habentes legalem et rationabilē excuſationē ſeu impedimenť abeſſend' ab eccleſia p̃d' in diebus p̃d' tēpore p̃d' cōmunium precacionum et diuinorum ſeruiciorū ibid' tunc dict' habiť & miniſtrať non ſolum nitebunť ſemetipſos adire ad eccleſiā exiſtenť eorum eccleſiam conſueť in præd' dieš dominicas proxime poſt feſtum ſancti Michael' Archangeli, annō regni &c. ſupradicto et præd' alijs octo diebus dominicis tunc ꝓx' ſequeñ & præd' alijs octo diebus feſtiualib⁹ eaſd' dies dominicas interuenienť tempore præd' cōmunium p̃cacionum & diuinoř ſeruic' ibidē in diebus illis dict' habiť & miniſtrať, ſed etiam odentes & contēnentes Euangelium & ſalubre dei verbum, et dictam dñam Reginam & leges ſuas ſeipſos voluntarie abſentauerunt, et vterq; eorum voluntarie ſeipſum abſentauit ab eccleſia p̃d' die dominica proxiñ poſt feſtum ſancti Michaelis Archangeli anno &c. ſupradicto, & p̃d' alijs duodecim dieb⁹ dominicis tunc proxiñ ſequeñ, & præd' alijs octo diebus feſtiualibus eaſdem duodecim dies dominicas interuenienť tempore præd' omniū predicationum et diuinorum ſeruicioř ibid' in diebus dict' habiť et miniſtrať contra pacem & contemptum dict' dñæ reginæ nunc & legum ſuarum coroñ & dignitať ſuas ac contra formam Statuť præd' & in pèrnitioſum exemplum aliorum malefact'.

An Indictment for periurie, committed in an anſwere in the Exchequer at Cheſter.

A IVrať præſentant pro dña Regina, quod cū I. D. de E. in coñ C. geñ in cuř dñæ reginæ Scacarij ſui Ceſtř coram R. comite Leic' camerař ſuo Ceſtriæ apud Ceſtř in coñ C. poſt duodecimam diem &c. Anno &c. exhibuiſſet quandam billam peticionis verſus quendam R. W. nuper de T. in coñ præd' Milner, de & ſuper iniuſtř recuperacionem 36. s. debiť p ipſum R. verſ. præd' I. D. exiſteñ vad' & pleg. cuiuſdam W. H. in cuř manerij ſiue dominij de H. infra ducať Lanc' & 4. s. 8. d'. cuſtag' circa eandem ſectam ibidem iniuſte recuperať per dictum R. idem R. in reſponſione ſua in dicta curia Scacarij prædict' ad peticionem præd' ſup ſacramenť ſuū capť dixit affirmauit & iurauit hæc verba anglicana ſequeñ vel in effectu ſimilia. And for non payment of the reſidue of the ſumme of 47. s, being as it ſhould ſeeme by the ſaid Raphes owne cōfeſſiō in the ſame anſwer, of the receipt of 36. s. this defendāt long after cōmenced his acciō of debt againſt the now plaintife in ỹ free court of H. vbi dictus W. H. diu ante perſoluiſſet dict' R. ſummā 48. s. Ita quod nihil remanſit illo ſoluend': Et ſic præfať R. in faciendo & confirmand' Sect. 242.

falſum reſponſum pred' in ea parte pred' die M. anno &c. voluntarie & corrupte cõmiſit voluntariã periuriam in illo contenẽ & contra formã ſtatuti inde ediẽ & prouiſ. &c. ac contra pacem &c.

An Indict' for fiſhing in a mill ponde waters, with hookes & other engines.

Sect. 243. INquiratur pro dña regina S.T.W. de M. in coñ p̃d' Laboꝛer, & H.I. de W. in coñ p̃d' Tailoꝛ, &c. 14. die April', annõ &c. ac diuerſis tẽporibus ante pred' diem & poſtea apud H. pred' in coñ pred' vi & armis in vno ſtagno ibidem vocat' H. Milne poole libero tenementẽ R.D. geñ cum hamis & alijs enginis piſcauerit & diuerſos piſces ceperẽ ad graue damnum præd' R.D. ac contra pacem &c. A

An Indictment where one is indicted as principall actor, and one other for being preſent, and for abbetting, procuring and comforting of the murderer to do the ſame.

Sect. 244. INquirat̃ p̃ dña regina, ſi I.G. alias G. nup̃ de &c. xv. die &c. apud H. in coñ p̃d' vi & armis, viz. baculis &c. felonice vt felo dict' dñæ regiñ ac ex malitia ſua p̃cogitat̃ in quendã I.O. alias D. apud H. p̃d' adtunc & ibid' in pace dei & dict' dñe regiñ exiſteñ inſultũ feceꝛ. Et p̃d' I.G. alias G. quoddam falcaſtr̃ anglice a foꝛeſt bill, p̃cij 4.d'. quod idem I.G. in manib⁹ ſuis tũc et ibid' tenebat dict' I.O. alias D. apud H. p̃d' ex malitia ſua p̃cogitat̃ ſupra ſiniſtrã partẽ capitis ſui p̃cuſſit vſq; ad cerebrũ dans eidẽ I.O. alias D. vnã plagã mortalẽ, de qua quidẽ plaga mortali p̃d' I.O. a p̃dict' xv. die Martij anno ſupradict' vſq; ad xxj. diem eiuſd' Martij Anno p̃d' languid⁹ iacebat quo quidẽ xxj die Martij p̃d' I.O. alias D. apud H. p̃d' obijt. Et ſic p̃d' I.G. alias G. die & Annis p̃d' apud H. pred' ex malitia ſua p̃cogitat̃ felonice interfecit & murdrauit contra pacẽ dict' dñæ regiñ coroñ & dignitat̃ ſuas. Et q̃d pred' W.G. alias G. die & annõ p̃d' apud H. felon̄ pred' fuit præſens & vt felon̄ dict' dñę reginæ abettañ p̃curañ et confortañ & cũ præfat̃ I.G. alias G. die & anno p̃d' in forma p̃d' fact̃ vi et armis ac cõtr̃ pacẽ dict' dñę reg' coroñ et dignitat̃ ſuas &c. A

An Indictment of murther.

Sect. 145. INquiratur pro domina regina ſi T. H. nuper de E. in coñ Ceſtr̃ Laboureꝛ, viceſimo die &c. circa horã ſextam poſt meridiem eiuſd' diei apud T. pred' iu coñ C. p̃d' vt felo dict' dñæ reginę ex malitia ſua p̃cogitat̃ & de inſultu præmeditat̃ vi & armis quendam R.B. nuper de T. pred' in coñ pred' yeoman, adtunc & ibid' in pace dei & dictæ dñæ reginæ exiſteñ inſultum fec' & cum quodã baculo anglice vocat̃ a piked ſtaffe, precij 4.d'. q̃d ipſe in manibus ſuis adtunc & ibid' tenuit p̃d' R.B. ſup caput ſuum felonice percuſſit dans ei ad tunc & ibid' vnam plagam mortalẽ longitud' duorum pollicium in ſiniſtra parte capitis ſui vſq; ad cerebrum de qua quidem plaga mortali præfat̃ R.B. languidus iacebat vſq; ad &c. extunc proxiñ ſequeñ: Quo quidem 19. die Ianuarij Anno &c. idem R.B. apud T. p̃d' in coñ p̃d' ex ipſa plaga ei dat̃ modo A

&

& forma pred' moriebaꝫ & sic idem T.H. vt felo dictæ dominæ reginæ pred' R.B. felonice interfecit & murdrauit contra pacem dñæ Reginæ coroñ & dignitaꝫ suas.

An indictment of Burglarie by a woman in the night time, putting the houshold in feare, intending to haue robbed them.

A INquiraꝫ pro domina regina si O.I.de G. in coñ C. Spinster, 7. die Aprilis anno &c. apud C. præd' in coñ præd' noctanter viz. circa horaꝫ vndecimam post meridiem eiusdem diei domum cuiusdam I.B. apud C. præd' vi & armis &c. felonice ac burglariter fregit & intrauit, ea intencione ad furand' bona & catalla ipsius I. ac eundem I. in pace dei dict' dominæ Reginæ adtunc & ibidem in lecto suo existentem felonice & burglariter in timore vitæ suæ posuit contra pacem dictæ dominæ reginæ coroñ & dignitaꝫ suas. Sect. 246.

An indictment for trespas done in a corne field.

A IVratores præsentant &c. quod W.C. nuper de T. in coñ præd' Laboyer, T.P. &c. tertio die &c. Anno &c. vi & armis clausum I.N. apud S. in coñ p̄d' in quodam cāpo vocaꝫ S. field fregerunt & intrauerūt, & tres quarterios frumenti ipsius I.W. ad valenc' trium librarum adtunc & ibidem crescen̄ cum quibusdam bigis siue carucis equis & pedibus suis ambuland' conuulcauerunt et consumpserunt. Et alia enormia ei intuleꝫ contra pacem &c. Sect. 247.

An indictment of manslaughter before the Coroner of the verge, for the death of a man, vpon the view of the dead body.

A INquisicio capt̄ apud W.L. in comitatu Surrey infra virgam xxij. die Maij, Anno &c. coram T.W. gen̄ Coronatoꝝ hospitij dictæ Dominæ Reginę super visum corporis I.B. nuper de W. L. in coñ Surrey Yeoman, ibidem iacen̄ mortui & interfecti per sacramentū &c. Qui dicunt super sacramentum suum qd̄ ita accidit qd' xix. die Maij Añ̄ &c. apud Southwarke in coñ Surrey infra virgam pred' I.B. veniebat in quendā campum ibidem vocaꝫ S. Georges field circa horas 4. vel 5. post meridiem eiusdem diei, et quod postea dicto decimo nono die Maij Anno &c. apud S. predict̄ in comitatu Surrey predict' infra virgam inter horas 5. & 6. post meridiem eiusdem xix. die Maij R.L. nuper de Westm̄ in coñ Midd' alias dictus R.L. de W. in coñ Midd' Yeomā, veniebat & intrabat in campum predict' vocaꝫ &c. & ibidem videns & percipiēs dictum I.B. tunc esse in campo illo, ambulabat in campo illo versus locum vbi predict' I.B. tunc ibidem fuit: Et prædict' I.B. tunc & ibidem iacens super terram ac videns et percipiens dictam R.L. versus eum venient̄ a terra predict' ibid' surgit ac idem I.B. tunc & ibid' duos gladios vocaꝫ Rapiers in manus suos viz. in quamlibet manum vnum gladiū. Et tunc et ibid' idem R.L. cepit vnum gladiū̄ de ferro & calibi ad valenc' quinq; solid' ipsius R.L. in manum suam dextram, & vnum scutum in Sect. 248.

manum ſuam ſiniſtram,ac tunc & ibid' idem A.et R. inſimul pugnauer cum gladijs ſuis,præd',& ſic pugnans idem I. ipſum R.tunc et ibid' ſup ſiniſtrã tibiam dicti R. cum vno gladiorũ ſuorum præd' vocat Rapiers percuſſit et vulnerauit vritute cuius præd' R. ad terram ibidem cecidit. Ac poſtea dictus R.19.die Maij Anno pred' apud S.pred' in coñ pred' infra virgam pred' ſubito ſurrexit et idem R. tunc & ibid' cepit gladiũ ſuum præd' in manum ſuam dextram ac vi & armis, viz. cum gladio ſuo prędict' quem ipſe R. in manum ſuam dextrã tunc & ibidem tenuit 19. die Maij Anno &c. apud S. in coñ S. præd' infra virgam in pred' campo vocat &c. inter præd' horas 5. et 6. poſt meridiem eiuſdem 19. diei Maij,idem R in ipſam I.B.tunc et ibidem exiſteñ inſultum fecit & tunc & ibid' cum gladio illo quem ipſe idem R. tunc et ibid' in manu ſua dextra tenuit ipſum I.verberauit, ac gladium illum pred' R. tunc & ibid' felonice et voluntarie in corpus dicti I. percuſſit et impoſuit dans eidem I.B.felonice & vŏluntarie cum gladio illo in ventre ſuo in et per corpus & dorſum dict' I. vnam plagã mortalem profunditat xiiij.pollicũ & latitudinis duorum pollicium,de qua quidem plaga mortali idẽ I.apud W. L. in coñ S.infra virgam poſtea languebat a dicto 19. die Maij, Anno &c. vſque xx. diem dict' menſis Maij tunc proxiñ ſequeñ Quo quidem xx.die Maij idem I.B. apud W.pred' in coñ S. p̃d' infra virgam inter horas 3. et quartam ante meridiem eiuſdem viceſimi diei dicti menſis Maij Anno &c. ex plaga mortali prædict' obijt. Et ſic Iurat pred' dicunt ſuper ſacrament ſuũ. Quod dictus R. L. alias dictus &c. dicto 19. die Maij Anno &c. apud S. pred' in coñit pred' infra virgam vi & armis,viz. cum gladio pred' quẽ idem R. L. alias dict' R. L. in manu ſua dextra tunc & ibid' tenuit ipſum I.B. felonice et voluntarie percuſſit interfecit et murdrauit modo & forma p̃d' contra pacẽ dict' dñæ reginę Coroñ et dignitat ſuas: Et ſic idem iurat ſuper ſacrament ſuum dicunt qd̃ præd' I.B. modo & forma præd' ad mortẽ ſuum deueñ et non aliter nec alio modo. Et quæ bona catalla terr et teñt idẽ R. tẽpore feloniæ et murdri p̃d' fact' habuit vel adhuc habet, idẽ iurat penitus ignorant.

An Indictment where a felon ſuſpected for ſtealing two oxen, is committed by a Iuſtice of Peace vnto the gaole, and is deliuered to two to be conueyed vnto the gaole, which ſuffer the felon wilfully to eſcape away.

Sect. 249.

INquiratur &c. Quod cum quidam W. H. aſ vnius Iuſtic' pacis dicti dñi Regis in coñ præd' xx. die &c. circa horam decimam in nocte eiuſdem diei apud S. in coñ p̃d' virtute officij ſui et literaſ pateñ dicti dñi Regis eidẽ W. direct', quendam I. nuper de &c. adtunc et ibid' arreſtauit et attachiauit p̃ ſuſpicione feloniæ p̃ ipſum I. ante fact' & p̃petrat, viz. pro duobus bobis coloris &c. precij &c. de bonis et catallis cuiuſdã R. I. per præd' I. felonice capt et abduct. Et poſtea eũdem I. die, anno, hora & loco A

loco ſupradict' vt præd' eſt arreſtat̃ pred' W.H. adtunc & ibid' cõmiſit & liberauit ſaluo cuſtodiend' quibuſdam I.B. et R.D. nuper de &c. in comitatu &c. et ſpecialiter requiſit̃ fuerint ex parte dicti dñi regis p̣ prę-fat̃ W.H. ad ſaluo et ſecur̃ cuſtod' et cõducend' ipſum I.B. vſq; gaolam ipſius dñi Regis comitat̃ præd' ibid' morat̃, quouſq; per debitam legis formam exoneret̃ & deliberet̃, præd' tamen I.R. machinant̃ præd' I. in feloñ per ipſum fact' fauorabiliter ipſum I. a cuſtod' ſua præd' qui ſic detenebat̃ adtunc et ibid' felonice & voluntarie ad largum ſuum quo voluit felonice abire et euadere permiſer̃ contra pacem &c.

An Indictment where one is committed to priſon to a Seriant at Mace by the Bayliffes of a towne, for reſiſtance, diſobeying, and diſturbing them for doing of their office, eſcapeth out of priſon, and goeth away out of the ſame.

A INquiratur &c. Quod cum quidã D.E. de &c. die Martij, viz. quinto die &c. apud P. in com̃ præd' commiſſus fuit per R.I. gen̄ vnus balliuor̃ villæ de P. præd' & H.L. gen̄ deputat̃ I.B. gen̄ alius balliuor̃ eiuſd' villæ in gaolam ſiue priſonam villæ præd' p̣ quibuſdam reſiſtenc', diſobediẽc', et malefact' p̣ ipſum D.C. verſus ipſũ R. balliuũ in execucione officij ſui virtute literar̃ dñi regis eid' R. direct', ibid' moratur̃ ſub ſalua cuſtod' M. vnius ſeruientium ad clauẽ ad villam p̃d' quouſq; p̃d' D. inde deliberaretur & dimiſſus eſſet p̣ debitam legis formam ſi p̃fat̃ D. circam horam 12. in nocte eiuſdem diei anno ſupradict' regni Regis p̃d' priſonam in qua detent̃ fuit vt p̃d' eſt adtunc & ibid' malitioſe et minus iuſte fregit et ab huiuſmodi priſona ſine aliqua licencia euaſerit & eſcapuit contra formam ſtatuti dicti domini regis edit̃ et prouiſ. et contra pacem dictæ dominæ reginæ &c. Sect. 250.

An Indictment of forceable entrie into a meſſuage with thappurtenaunces vpon the Statute of 8. H. 6. againſt diuerſe perſons wherein the Statute is not recited.

A INquiratur &c. Si A.B. & C.D. nup̣ de &c. aſſumptis & aſſociat̃ eis alijs malefactoribus & pacis dñi perturbatoribus modo guerriñ arriat̃ ad numerum 12. perſonarũ quorum nomina præſens Iurat̃ ignoratur decimo die &c. apud D. &c. vi et armis, viz. baculis gladijs cultellis falcaſtris lapid' et alijs armis defenſiuis et inuaſiuis in vnum meſuagium cum pertineñ ſuper pacificam poſſeſſionem T.P. intrauit & dict̃ P. a poſſeſſione ſua præd' expulerunt et diſſeiſeuerunt et eundem T. ſic expulſus & diſſeiſitus a præd' meſſuagio cum pertineñ vi et armis præd' ac manuforti extratenuerunt et adhuc extratenent contra pacem dict' dñi Reg. ac contra formam ſtatuti domini Hen. nuper Regis Angliæ 6. anno regni ſui 8. inde edit̃ et prouiſ. Sect. 251.

An indictment vpon the ſtatute of Anno 5. Eliz. againſt ſuch as vſe any myſterie or occupation, not being apprentice to the ſame for ſeuen yeares.

Sect. 252. IVratores præſentant pro dña regina quod cum in parliamenť dñæ Reginæ nunc tenť apud Weſtiñ 8. die Maij, Anno regni ſui 5. inter alia ſtabilitať fuit quod poſt primum diem Maij tunc proxiñ ſequenť non liceat alicui perſonæ ſiue perſonis erigere occupare vti vel exercere aliquam artem miſteř ſiue occupacionē adtunc vſitať vel occupať infra regnum Angl' vel Walliæ ſi nō educať in eadem tanquā apprentic' per ſpatium ſeptē annoř ad minus, nec alicui perſone opus tradere in hiñi miſterio arte ſiue occupacione, ſi non eadem perſona fuit apprentic' aut tunc fuit exerciť in miſterio p̄d' tanquam apprentic' vt præd' eſt, ſub pena quod quelibet perſona voluntarie, offendens vel contrarium faciens forisfaciat pro qualibet tali defalta 40. s. pro quolibet mēſe prout in ſtatuť pred' plenius liquet & apparet quidam tamen I.S. ſtatuť pred' ac penam in eod' contenť minime verens ſiue ponderans non exiſteñ apprentic' primo die Iulij, anno 5. ſupradicto dñæ Reginæ noſtræ nunc contiñ vſq; diem capcionis huius inquiſitionis ſcilicet p̄ quatuor menſe apud A. in coñ M. præd' occupauit vel exerciuit artem myſterium ſiue occupacionem in dictæ dominæ Reginæ nunc contemptum ac contra formam ſtatuti præd'. A

An indictment for a riotous and vnlawfull aſſemblie putting men in feare, and doing of treſpas, & plowing in a cloſe.

Seſſio pacis generalis dominæ Reginę tenť apud Midd' in coñ prædicť die Martis viz. quarto die &c. Anno &c. coram H. C. militť G. C. &c. aľ Iuſtic' pacis coñ præd'.

Sect. 253. INquiſic' capť ibid' p̄ ſacramenť T. O. B. D. &c. Iuraťq; Qui ſuper ſacramenť ſuum inter alia præſentant quod A. B. nuper de H. in coñ C. Yeoman, E. D. &c. xxij. d'. die &c. Anno &c. vi & armis apud N. in coñ pred' riotoſe ſeipſos aſſemblantes & aſſociantes adtunc & ibidem riotoſe quoddam clauſum vocať &c. cuiuſdam R. C. armig' fregeř & intraueř ac ſeruieñ & tenentes ipſius R. C. adtunc & ibidem in clauſo in opere faciend' ipſius R. C. exiſteñ minacitur minať fuerunt & timerenť ac herbam ipſius R. C. adtunc & ibidem creſceñ cum quibuſdam auerijs non ſolum depaſt' fueř conculcauerunt & conſumpſerunt ſed etiam prædicť clauſum cum bobus & arratro arrauerunt & ſubuerterunt & alia enormia præfať R. C. fecerunt in dictæ dominæ Reginæ contemptum manifeſtum & ipſius R. C. damnum non modicum & grauamen ac contra pacem dictæ dominæ Reginæ. A

An Indictment of a Prieſt for ſaying of Maſſe in the Veſtrie of a Church.

A INquiratur pro domina Regina ſi G.O. nuper, vicarius de W. in partibus de L. in comit̃ præd' clericus xvj. die Martij mane in aurora eiuſdem diei Anno regni Elizabethæ &c. ſexto apud W. prædict' in quodã loco vocat̃ the Veſtrie houſe iuxta Eccleſiam parochialẽ de W. prædict̃ voluntarie vſus fuit priuatim alio ritu ceremonia & forma celebrationis cenæ dominæ vocat̃ the Lords ſupper quam in quodam intitulat̃ libr̃ Communis precationis & adminiſtrationis Sacramentorum & aliarum rituũ & ceremoniarum Eccleſiæ Anglicanæ authorizat̃ per Actus parliamẽt tenẽ in Annis 5. & 6. domini Regis Ed. ſexti nuper Regis Angliæ declarat̃ & mencionat̃ exiſtit, viz. dicend' & celebrand' vnam priuat̃ miſſam contra formam ſtatuti. Sect. 254.

An Indictment for mouing the Duke of Somerſet, and other ſubiects to rebellion againſt the king, and to take & impriſon the Duke of Northumberland, the Marques of North. and the Earle of Penbroke being of the Kings priuie Counſell.

A INquiratur &c. Quod T.A. nuper de L. Miles deum pre oculis non habens ſed inſtigatione diabolica ſeduct̃ Anno regni Edwar̃ 6. &c. 5. & diuerſis diebus & vicibus antea & poſtea apud Sion in comitatu Middleſex' et apud diuerſa alia loca in dict' comitatu Middleſex' felonice fact' dict' domini regis per aperta verba procurauit mouit & inſtigauit Edward' Ducem Somerſet, ac quam plures alios ſubditos dict̃ domini regis ad inſurgendum, & ad apertam rebellionem & inſurrectionem infra hoc regnum Angliæ mouend' contra ipſum dominum regem & adtunc & ibidem felonice capiend' & impriſonand' prenobilem Iohannem ducem Northumb. tunc comit̃ War̃, Will' Marchionẽ Northampton, & Will' Comit̃ Pembrooke adtunc Wilhel' Harbert ipſiſque duce Northumb. Marchioñ & Comit̃ Pembrooke de priuat̃ Conſilijs dicti domini regis adtũc exiſtẽ dicti dñi regis Coroñ & dignitat̃ ſuas & cõtra formam ſtatut̃ in huiuſmodi caſu edit̃ & prouiſ. Sect' 255.

An Indictment of extortion againſt an Eſchetor.

A INquiratur pro domina Regina ſi R.G. nuper de O. in coñ War̃ die & anno &c. colore officij Eſcaetoris in coñ Leic' exigit & extorcione cepit apud H. in dict' coñ L. de Griffino R. nouem modios tritic' ad valenc' 23. s. 4. de bonis & catallis dict' Griff. ad pernicioſũ exemplũ aliorum malefact' ad graue dampnum ipſius G. & contra formam diuerſorum ſtatut̃ &c. & contra pacem &c. Sect' 256.

An Indictment againſt one for publiſhing that the Queene had ij. or iij. children by the Lord R.D.

A IVrat̃ &c. quod I. nuper de W. in coñ præd' Labourer, deum pre oculis non habens ſed inſtigatione diabolica ſeduct' quinto die &c. Sect' 257.

Anno

Anno &c. apud N. narrauit & publicauit de dicta domina Regina nunc hec falsa sedicioſa & ſcandaloſa verba anglicana ſequeñ, viz. That the Queene hath had by the Lord ineund' R. D. prenobilis ordinis garterij Milit̃ dominum D. two or three children, contra legeanc' et debit̃ in magnum ſcandalum & contemptum dictæ dominæ Reginæ nunc Coron̄ & dignitat̃ ſuas & contra formam ſtatuti &c.

An Indictment of one as a common Barretor, a ſtirrer vp of ſtrife and contention, and a troubler of the Peace.

Sect' 258. INquiratur pro domina Regina, ſi I. B. nuper de S. in comitat̃ &c. yeo- A man, 25. die Maij Anno &c. apud S. prædict' nec non diuerſis diebus & temporibus tam antea quam poſtea fuit communis barrectator & pacis perturbator ac diuerſas lites contumelias & diſcord' in diuerſos dictæ dominæ Reginæ ſubdit̃ adtunc et ibidem et alibi in com̄ præd' iniuſte moue bat, procurabat et excitabat in dictæ dominæ Reginæ nunc contemptum et ad graue dampnum populi dictæ dominæ Regiñ: nec non contra formam diuerſor̄ ſtatut̃ &c, ac contra pacem &c.

An Indictment for clipping and fyling of Gold and ſiluer, and vttering of the ſame.

Sect' 259. INquiratur &c. Si E. D. de ciuitat̃ Couentrie Pedler, die et Anno &c, A ac diuerſis diebus antea et poſtea in Ciuitat̃ prædict' 30. pec' auri vocat̃ Royals, ac 300. pecias argent̃ vocat̃ groates, bonæ et legalis monetæ Angliæ et cunagij dict' dñæ Regiñ, qui lucri cauſa falſo, felonice et proditorie totondit et filauit. Ita quod per toncionem et filacionem illas quelibet pecia auri inde de xij. d. in ſuo debit̃ pondere diminuebatur, Ac quelibet pecia argenti vocat̃ Groates, inde de vno obulo de debito ſuo diminuebatur, et monetam illam in forma prædict' tonſam ac filat̃ diuerſis ligeis dictæ dominæ Reginæ apud Ciuitat̃ præd' in com̄ prædict' falſo felonice et proditorie expoſuit et vtterauit, contra formam ſtatuti &c. ac contra pacem &c.

An Indictment for encloſing of xx. acres of paſture out of a common field, in the which all the inhabitants of L. haue vſed time out of mind to haue common of paſture for all maner of Cattell.

Sect' 260. IVrat̃ preſentant &c. Quod Ed. C. nuper de L. in comitatu prædict' A generoſ. G. C. nuper de L. &c. decimo die &c. Anno &c. nec non diuerſis diebus et vicibus tam antea quam poſtea, vi et armis &c. xx. acr̄ paſture cum pertinentijs in L. prædict' in aperto communi campo ibidem, in quibus omnes inhabitantes villæ prædict' a tempore cuius contrar̄ memoria hominum non exiſtit vſi fuerunt & conſueuerunt habere communiam paſture pro omnibus annualibus ſuis omni tempore

pore anni imperpetuum, cum ſepibus et foſſatis incluſiuerunt, et eaſ-
A dem viginti acras ſic incluſas a prædict' decimo die Aprilis anno ſupra-
dicto vſque diem capcionis huius inquiſicionis cuſtod' et adhuc cuſto-
diuit in malum et pernicioſum exemplum aliorum ligeorum dictæ do-
minæ Reginæ, & contra formam diuerſorum Statut &c. Ac contra
pacem &c.

An Indictment of wilfull Murder of a woman.

A INquiratur &c. Si T.L. nuper de W. in comitatu &c. Labourer, de- Sect' 261.
um pre oculis non habens ſed inſtigatione diabolica ſeduct' 30. die
Aprilis Anno regni Elizabeth &c. circa horam nonam eiuſdem diei vi
& armis apud W. prædict' ex malitia ſua precogitat' in quandam Marg'
T. adtunc et ibidem in pace dei et dictæ dominæ Reginæ exiſtẽ inſul-
tum fecit et ipſam Marg. cum quodam baculo ad valenc' &c. quem i-
dem Th. in manibus ſuis adtunc et ibidem tenuit, verberauit, vulnera-
uit, et maletractauit. Ita quod prædict' M. a prædict' 30. die Aprilis an-
no ſupradicto vſque ad quintum diem Maij tunc proxim̃ ſequeñ lan-
guebat, quo quidem v. die Maij Anno ſupradicto prædict' M. apud W.
prædict' de verberatione vulneratione et maletractatione prædict' ad-
tunc et ibidem obijt. Et ſic prædict' Th. prædict' M. modo et forma
prædict', ſcilicet, apud W. prædict' die et Anno præd' felonice et volun-
tarie interfecit et murderauit contra pacem &c.

*An Indictment of Murder, and the Murtherers flying after the ſaid mur-
der committed.*

A INquiratur pro domina Regina, Si T. Barbour nuper de C. in comit' Sect' 262.
&c. die et Anno &c. vi et armis &c. ex malitia ſua precogitat' apud
D. in comitat' præd' in quendam W. W. adtunc et ibidem in pace dei et
dictæ dominæ Reginæ exiſtẽ inſultum fecit et ipſum W. adtunc et
ibidem exiſtẽ, verberauit, vulnerauit, & maletractauit, ac ipſum W.
cum quodam baculo ad valenc' &c. quem idem T.B. adtunc et ibim̃ in
manu ſua dextra tenebat p̃fat' W. ſupra ſiniſtram ptem tibię ſuę felonice
percuſſit, dans ei plagam mortalem: Ob quam quidem plagam mor-
talem p̃fat' W. a prædict' xx. die &c. anno &c. vſq; ad octauum diem
Iulij tunc proxim̃ ſequeñ languebat, et de eadẽ plaga mortali præd' W.
&c. apud &c. præd' xx. die Iulij, anno ſupradicto moriebatur. Et ſic p̃d'
Tho. B. præd' W. præd' viij. die Iulij, anno ſupradict' apud B. p̃d' felonice
murdrauit & interfecit, contra pacem dictæ dn̄æ Reginæ &c. Et poſt
feloniam & murdrum ſic per præfat' Tho. B. ibi fact', præd' Tho. B. ob
eandem feloniam et murdrum pręd' immediate fugiebat, contra pa-
cem &c.

An in-

An Indictment of Riot, the riotors weaponed with diuers weapons, and armed armed with priuie Coates, for breaking and entring into a house, taking and spoiling of goods, beating and wounding of diuers in the house, breaking of a cheſt, and taking out of it vi. silver spoones, and the taking, spoiling and carrying away of Oates out of a Barne.

Sect' 263. INquiratur &c. si I. L. decimo die &c. Anno &c. vi et armis, videlicet, A baculis, gladijs, & cultellis nec non tunicis priuat̃ et modo guerino ariat̃ apud W. in comit̃ prædict' domum cuiusdam Christopheri B. apud W. prædict' in com̃ prædict' riotose & manuforti fregerunt & intrauer̃, & in T. B. F. B. &c. adtunc et ibidem inuen̄t in pace dei & dictæ dominæ Reginæ existen̄ insultum fecerunt & affraiam ibidem riotose fecerunt & ipsos T. F. &c. adtunc & ibidem in pace dei & dictæ dominæ Reginæ inuen̄t existen̄ verberauer̃, vulnerauer̃ & maletractauer̃. Ita quod ipsi de vita ipsorum desperabantur, ac bona & catalla prædict' C. B. ad valenc' xxx. li. in domo sua prædict' adtunc inuen̄t riotose ceperũt spoliauerunt & asportauerunt, ac cistas ipsius C. in domo sua prædict' tunc existen̄ riotose fregerunt & sex cocleat̃ argenti ad valenc' xl. s. de bonis et catallis ipsius Chri. adtunc et ibidem inuen̄t riotose ceperunt et asportauerunt. Ac auenas ipsius C. tunc et ibidem in horreo suo inuen̄t riotose ceperunt & spoliauerunt & asportauerũt, Ac alia enormia ei intuler̃ in pernicioſum exemplum ligeorum et subdit̃ dict' dominæ Reginæ, ac contra formam diuersorum statut̃ &c. ac contra pacem &c.

An Indictment for the counterfaiting of the Queens Letters patents to beg, and taking of the Queenes broad Seale from other Letters patents, and putting it to the counterfait Letters patents.

Sect' 264. INquiratur pro domina Regina, si I. D. nuper de M. in comitat̃ &c. deũ A pre oculis non habens sed instigatione diabolica seduct' die &c. apud &c. deceptiue falso et proditorie quasd' falsas lr̃as patẽtes scriptas de collectione, deuocione & charitate populorum ipsius dominæ Reg' hunc tenorem continen̄ viz. Elizabeth by the grace of God &c. Ac cum idem I. dictas falsas Lr̃as patentes sic vt premittitur contra feciſſet, idem I. prædict' die &c. Anno &c. apud M. prædict' in comit̃ prædict̃ quoddã magnum sigillum dictæ dominæ Reginæ adtunc preantea annex' et legittime appositũ irrupuit et accepit, et illud sigillum dictis falsis counterfactis literis deceptiue falso et proditorie appoſuit et annexit, et easdem literas sigillo illo subtilit' recludẽd' sigillauit. Et sic magnum sigill' ibid' et adtunc voluntarie et ꝓditorie, contrafecit falsificauit et fabricauit. Et idẽ I. postea scilicet, die anno &c. apud M. in comit̃ præd' ac diuersis alijs locis eiusdem com̃ diuersas denariorum summas diuersorum ligeorum dictæ dominæ Reginæ virtute, et colore litterarum prædict' modo et forma predict' contrafact' et sigillat' deceptiue falso et proditorie colligebat

ligebat habuit et recepit & ad vſum ſuum proprium conuertit in malum & pernicioſum exemplum ligeorum eiuſdem dominæ Reginæ, ac contra formam diuerſorum ſtatutorum in huiuſmodi caſu edit & prouiſ. & contra pacem dictæ dominæ Reginæ &c.

An Indictment for the ſtealing of two geldings.

A INquiratur &c. Si G. W. nuper de W. in com̃ S. & R. B. nuper de W. prædict' in comitat̃ prædict' Labourer, vltimo die &c. Anno &c. vi & armis &c. apud N. in dicto comitat̃ S. vnum ſpadonem coloris gray pretij &c. Ac alium ſpadonem coloris &c. pretij &c. de bonis & catallis cuiuſdam ignoti adtunc & ibidem inuent̃ felonice furat̃ fuer̃, ceperunt & abduxer̃ contra pacem &c. Sect' 265.

An Indictment for robbing of a Gent: by the high way.

A IVrat̃ &c. Quod vbi I. B. de L. geñ 13. die &c. Anno &c. fuit in pace dei et dictæ dominæ Reginæ in regia via apud parochiam Sancti Egidij in campis in comitatu Midd': ibi eodem die, et anno venerunt I. M. et R. H. nuper de &c. felonice vt felones dictæ dominæ reginæ, et in prædict' I. B. inſultum fecer̃ et ipſum verberauerunt, vulnerauerunt, et maletractauerunt. Ita quod de vita eius deſperabatur et xx. s. in pecunijs numerat̃ de bonis et catallis ipſius I. B. ſuper ipſum I. B. adtunc et ibidem inuent̃ et exiſtent̃ felonice ceperunt et aſportauerunt, contra pacem &c. ac contra formam ſtatuti in anno dñi H. 8. 23. edit̃ et prouiſ. Sect' 266.

An Indictment for cutting of a Purſe. and xx. s. in it.

A INquiratur &c. Si T. C. de &c. Labourer, die &c. vi et armis &c. apud C. in com̃ &c. xx. s. in pecunijs numeratis in quadam crumena exiſten̄ de bonis et catallis cuiuſdam C. D. adtunc et ibidem inuent̃ a perſona p̄fat̃ T. D. cum quodam cultello ad valenc' &c. quem idem T. D. in manu ſua dextra adtunc et ibidem habuit et tenuit felonice ſcidit furat̃ fuit cepit et aſportauit, contra pacem &c. Sect' 267.

An Indictment for taking away of a woman ſeruant.

A INquiratur &c. Si W. K. de S. &c. die Anno &c. loco &c. vi et armis, videlicet, gladijs et dagger̃ quendam Iſab. K. ſeruientem R. Q. de F. in comitat̃ prædict' Spinſter, in ſeruic' dict' Richardi exiſten̄ et retent̃ apud F. prædict' cepit et abduxit die et anno ſupradicto, contra pacem dicti dñi Regis nunc. Sect' 268.

An Indictment for breaking and entring into a houſe & burning of it.

A INquiratur &c. Si D. S. de K. in comit̃ prædict' Labourer, tali die et anno &c. vi et armis &c. domum W. C. fregit et intrauit et ex malitia ſua pre- Sect' 269.

pretogitat adtunc & ibidem existen dictam domũ felonice combussit, contra pacem &c.

An Indictment for procuring a Seruant to depart from his Master, and for being a common procurer of a seruants away from their seruices.

Sect' 270. INquiratur &c. si W.M. de N. in comit E. yeoman, die, anno, et loco &c. procurauit & exhortauit I.C. seruient' R.S. in seruitio suo ibidem existen abire ab eodem seruitio, cuius quidem ꝓcurationis ptextu idem I.C. a seruitio R.S. tunc & ibidẽ recessit: Et quod idem W.M. est communis procurator seruientũ diuersorum ligeorũ dñi Regis, Ita quod ligei dñi Regis de eiusmodi seruient' ad negotia sua ꝑimplend' multipliciter grauat exist, in dict dñi Regis contempt & quamplurium ligeorum dñi Regis deteriorationem manifestam. A

An Indictment for keeping of Houndes and Hunting, hauing not landes of the value of xl. s.

Sect' 271. INquiratur &c, Si I.W.T.P. de &c. non habens terr neq; tenementa ad valenc' xl. s'. vltra repris. tenent Canes venaticos & leporarios, et eisdem vsi sunt venari in diuersis ptibus iuxta C. viz. apud D. H. et alibi infra Hundred' de C. venati sunt, ac lepores ac alia animalia veñ ceperunt, contra pacem &c, ac contra formam statuti &c. A

An Indictment for robbing of a Church.

Sect' 272. INquiratur &c. Si I.W. de &c. vi & armis &c. ecclesiam parochialem Sanctæ Andreæ Apostoli, apud S. in coñ prædict' freger' & intrauerunt, ac xx. d'. in pecunijs numerat de bonis & catallis parochianorum parochiæ prædict' in custod' W.F. & W.S. custod' siue gardianorum bonorum & catallorum pochianorum parochiæ prędict' existen adtunc & ibidem felonice furat fuit cepit & asportauit, contra pacem &c. A

An Indictment of two Shirifes of a Citie, for suffering of a Prisoner committed to them vpon suspition of felonie to escape.

Sect' 273. INquiratur &c. Quod cum Robertus I. nuper de Ciuitate Couentrie in coñ Ciuitat prædict' yeoman, viij. die Nouembris, anno regni Eliz. pro suspicione felonię per ipsum R.I. preantea fieri & ꝑpetrari suppositi apud Ciuitat prædict' capt & arrestat fuit: Idemq; R.I. eisdem die & anno apud Ciuitat prædict' quibusdam Iohi S. de Ciuitate prædict' Cother, et Will' P. de Ciuitate prædict' Viner, vic' Ciuitat prædict', ac custod' gaolæ dictæ dñæ Reginæ infra Ciuitat illam, ob causam ꝑdict' tradit fuit saluo & secur custod' quousq; idem R.I. a custod' illa secũdum legem & consuetud' regni Angliæ a prisona illa deliberat foret, si ijdem I.S. & W.P. die & anno supradictis apud Ciuitatem præd' in comitat A

Ciuitat

Ciuitat̃ p̃dict', R. I. ad largum et extra gaolam & cuſtod' præd' felonice & voluntarie exire permiſer̃, contra pacem dictæ dn̄æ Reginæ &c.

An Indictment for ſtealing of Conies with Nets, Dogges, and Ferrets.

A INquiratur &c. Si I. W. die & anno &c. vi & armis &c. clauſum cuiuſdam K. L. vocat̃ &c. apud M. circa horam octauam in nocte freger̃ & intraver̃, & vnam Cuniculam cum retis, canibus, et venarijs vocat' Ferrets adtunc & ibiñ inuent̃ ceperunt & aſportauerunt, ad graue dampnum &c. & contra pacem &c. Sect. 274.

An Indictment of a keeper of a Gaole, for letting one committed to him vpon ſuſpicion of felonie, eſcape out of priſon.

A INquiratur &c. Quod cum quidam I. B. de &c. die & anno &c. p̃ ſuſpicione cuiuſdam feloñ per ipſum infra villam p̃dict̃ā ante tunc fieri & perpetrari ſuppoſit', capt' et arreſtat' fuit apud villam p̃dict', et eiſdē̃ die & anno prædict̃ I. B. cuidam Tho. R. de villa & coñ p̃dict' yeoman cuſtod' gaolæ dicti dñi Regis in dicta villa de L. prædict' pro ſuſpicione feloniæ prædict̃ ſaluo & ſecur̃ cuſtod' tradit' fuit quouſq; idem I. B. a cuſtod' illa ſcd̃m legem et conſuetud' regni Angl' deliberat foret: Si idem T. R. die &c. anno ſupradict' apud villam p̃dict' in coñ prædict̃, p̃dict' I. B. ad largum & extra gaolam prædict' negligenter voluntarie & felonice exire et euadere permiſit, contra pacem dictę dominæ Reginæ &c. Sect' 275.

An Indictment for the ſtopping and tourning of a water courſe in a Towne, by reaſon whereof diuers mens landes be ſurrounded.

A IVratores preſentant &c. Quod T. R. nuper de S. yeoman, I. P. nuper de S. yeoman &c. primo die Ianuarij, Anno regni dictæ dn̄æ Regiñ ſecundo, necnon diuerſis alijs diebus et vicibus, tam antea quam poſtea apud S. prædict', quandam aquæ curſum obſtupauit & diuertit, per quod prædict' aquæ curſus fluebat ſuper ſolum et liberum teñtum quorundam &c. ad graue dampnum ipſorum, necnon oiũm teneñ villæ de S. prædict', et in pernicioſum exemplum aliorum, ac contra formam ſtatut' &c. et contra pacem dictæ dn̄æ Reginæ &c. Sect' 276.

An Indictment vpon the Statute of 8. Hen. 6. *for a Forcible entrie into one Rood of land, and aſſaulting and beating of one I. F. and keeping the ſame with force.*

A INquiratur pro domina Regina, Quod cum in Statuto in parliamento domini Henr̃ nuper Regis Angliæ ſexti poſt conqueſtum apud Weſtiñ, anno regni ſui viij. tent', ædit', inter cetera continetur: Quod ſi aliqua perſona de aliquibus terris ſiue tenementis manuforti Sect' 277.

expulſa

expulsa sit vel disseisit̃ vel pacifice expellatur et postea manufort̃ extra teneat̃ vel aliquod feoffamẽt̃ vel discontinuationem inde post talem ingressum suum ad ius possessoris defraudend' vel tollend' aliquo modo fiat, habeat pars in hac parte grauat̃ versus talem disseisitorem Assisam noue disseisine vel breue de transgr̃. Et si pars grauat̃ per Assisam vel per actionem transgressionis recuperet per veredict' vel alio quocunq; modo per debit̃ legis formam inueniat̃ quod pars defendens vi ingressus fuerit, vel dicta tenementa per vim post ingressum suam tenuerit, recuperaret querens dampna sua ad triplum versus defendentes. Et vlterius finem et redeptionem dominæ Reginæ fac' prout in eodem statut̃ plenius continetur: Quidam tamen I. W. de W, in comitat̃ prædict' yeoman, E. H. I. L. et alij statut̃ prædict' minime ponderans, vij. die Martij Anno &c. vi et armis, videlicet baculis, gladijs, et fustibus seipsos assemblauerunt, congregauerunt, et coadunauerunt. Et sic assemblat̃, congregat̃, et coadunat' existẽ modo guerrino arraiat̃ riotosé et illicite in vnam rodam terre liberi tenementi cuiusdam G. B. gen̄ apud W. in quodam loco vocat̃ Catmore dale in comitatu præd' ingressi fuerunt. Et in quosdam I. F. et I. W. adtunc et ibidem insultum et affraiam fecerunt, verberauerunt, et maletractauerunt, et ipsum G. B. de eadem roda terre manuforti expulerunt. Et ipsum G. B. sic expulsum inde manuforti extra tenuer̃ et adhuc extratenent in dictæ dominæ Reginæ nunc contemptum et ipsius G. graue dampnum, ac contra formam statuti prædict'. Et contra pacem dictæ dn̄æ Regin̄ &c.

An Indictment for murdering of a man child newly borne, which is murthered by the mother.

Sect' 278. INquiratur pro domina Regina, Si E. B. nuper de T. in com̄ &c. Spinster, 29. die &c. Anno &c. apud T. prædict' adtunc et ibidem quendā infantem masculinum viuum peperit. Et postea prædict' E. apud T. predict' infantem viuum adtunc et ibidem cum digitis suis super caput suum dure tractand' per quod infans prædict' immediate moriebatur. Et sic prædicta E. B. infantem prædict' die et Anno supradictis felonice interfecit et murdrauit contra pacem dictæ dominæ Reginæ nunc &c. A

An Indictment for hunting in a Parke paled, and for the killing and carrying away of a Buck, and a Doe in the night time.

Sect' 279. IVrat̃ presentant &c. quod cum in statut' in parliament̃ dominæ Reginæ nunc tent̃ apud W. Anno regni sui quinto inter alia inactitat̃, stabilitat̃ et ordinat̃ existit, Quod si aliqua persona siue persone post festum Penticostes Anno 5. supradicto in die vel in nocte iniuste vel illicite fregerit fregerunt vel intrauerunt in aliquod parcum impalatum vel sepibus inclusum ad seruand' vel sustentand' ferat̃ vsitat̃, et ibidẽ iniuste A

venatur

venatur vel venantur, ceperit aut ceperint, occiderit aut occiderint, aliquas feras infra aliquod hm̃i parcum impallat̃ vel ſolum incluſum & ꝑ feris vſitat̃ modo & forma præd' et inde debito modo conuictus fuerit aut fuerint ad ſectam dictæ dominæ Reginæ vel partis in hac parte grauat̃: Quod tunc eadem perſona ſiue perſonæ ſic inde conuict' penam corporis ſiue corporum ſuorum per impriſonament̃ ſubeat & ſubeant per ſpatium trium menſium & reddat et reddant, ſoluat et ſoluant parti grauat̃ dampna ſua ad triplum. Et poſt prædict' tres menſes complet̃ inueniat et inueniant ſufficientem ſecuritatem pro ſua vel ſuis bene geſtura et geſturis per ſpatium ſeptem Annorum tunc proxim̃ ſequend' erga dictam dominam Reginam hered' et ſucceſſor̃ et cunctum populum ſuum, aut remanebit ſiue remanebunt et continuabunt ſemper in priſona ſiue balliua vel manucapcione donec ille vel illi delinquen̄ poterit vel poterint et inuenerint, tres tales ſufficientes ſecuritates durante termino ſeptem annorum vt ſupradictum eſt prout in ſtatut̃ prædict' plenius continetur: Quidam tamen W.W. T.M. &c. de &c. ſtatut̃ præd' minime ponderans poſt præd' feſtum P. ſcilicet iij. die Iunij anno &c. circa horam primam in nocte eiuſdem diei vi & armis &c. parcum impallat̃ et pro feris vſitat̃ cuiuſdam I. S. aſſ vocat̃ Hopwell parke apud Hopwell in com̃ prædict' fregerunt et intrauerunt, et vnam Damam maſculinum et vnam Damam femalem aditunc et ibidem in eod' parco inuent̃ et exiſten̄ ceperint interfecerunt et aſportauer̃ contra formam ſtatuti prædict' ac contra pacem &c.

An Indictment of Burglarie for breaking of a dwelling houſe in the night time, to the intent to haue robbed the ſaid houſe, and for beating and putting in feare diuerſe in the ſame houſe.

A INquiratur pro domina Regina, Si I. P. nuper de &c. viceſimo die &c. vi et armis &c. circa horam decimam in nocte eiuſdem diei domum manſionalem cuiuſdam D. B. de L. prædict' in com̃ prædict' H. apud L. prædict' ea intencione ad ſpoliand' eundem D. de bonis & catallis ſuis in eadem exiſten̄ felonice et burglariter fregit et intrauit, et eund' D. et quendam I.B. filium præd' D. & E. vxor̃ eius in domo prædict' in pace dei et dictæ domin̄ Regin̄ adtunc et ibidem exiſten̄ verberauit, vulnerauit et male tractauit et in corporali timore et maxim̃ metu & periculo vitarum ſuarū adtunc et ibid' poſuit contra pac̄ &c. Sect. 280.

An Indictment of Burglarie for breaking of a dwelling houſe in the night time and the putting of them in the houſe in feare, and for the felonious taking out of the ſaid houſe 1200. *li. in money, and a challice of ſiluer parcell guilt.*

A INquiratur pro dn̄a Regina, Si T.W. de B. in com̃ &c. ſexto die &c. Anno &c. circa horam primam in nocte eiuſdem diei domum man- Sect. 281.

cionalem cuiuſdam I.B. apud W. in com̃ præd' felonice & burglariter fregit & intrauit ac ipſum I.B. adtunc & ibid' in ead' domo mancionali in corporali timore poſuit ac mille & centum libras legalis monetæ Angliæ in pecunijs numerat̃ & vnam callicē argent̃ pcell' aurat̃ vocat̃ a chalice of ſiluer parcel guilt, ad valenc' 4.li. de denarijs et de bonis & catallis I. B. in ead' domo mancionali adtunc & ibidē inuent̃ felonice cepit et aſportauit contra pacem dictæ dominæ Reginę coroñ & dignitat̃ ſuas.

An Indictment for breaking of a barne, and taking out of it 4. buſhels of Barley,

Sect.282. INquiratur &c. ſi I.S. &c. horreum cuiuſdam I.C. de Sutton magna in com̃ prędd' adtunc et ibid' burglariter fregit et intrauit, & quatuor modios hordei anglice vocat̃ a quarter of Barley, ad valenc' vj.s. iiij.d. de bonis et catallis prędict' I.C. adtunc et ibid' inuent̃ burgulariter et felonice cepit, abduxit, et aſportauit contra pacem &c. A

An Indictment for breaking of a Milne, and taking out of the ſame a ſacke and 6. buſhels of wheat.

Sect.283. INquir̃ &c. ſi I.S. &c. vi et armis domum mollendiñ W.H. apud C. in pochia de D. in com̃ pd' vocat̃ Clarke mill, burglar̃ fregit et intrauit & vnum ſaccum prętij &c. et 6. modios tritici vocat̃ 6. buſhels of wheat, in ſacco ibidem exiſtent̃ prætij xx.s. de bonis et catallis præd' W.H. adtunc & ibid' inuent̃ die anno & loco ſupradict' felonice cepit & aſportauit contra pacem &c. A

An Indictment for the felonious taking of 6. paire of ſheets, 12. diaper napkins and one ring of gold.

Sect.284. INquiratur &c. ſi I.B. vi & armis 6. paria linthearum vocat̃ Sheetes, ad valenc' xl.s. 12. mappas de diaper vocat̃ table Napkins ad valenc' xl.s. vnum annulum de auro cuiuſdam I.S. apud H. prædict' dict' die & anno adtunc et ibidem inuent̃ felonice cepit & aſportauit contra pacem &c. A

An Indictment for the felonious taking of a cuppe of Siluer parcell guilt in the Iſle of V.

Sect.285. INquiratur ſi I.S. vi & armis vnam Cypham argent̃ parcell' aurat̃ anglice vocat̃ a cuppe of Siluer parcell guilt, ad valenc' 4.li. de bonis et catallis E.W. apud M. infra inſulam V. in com̃ prædict' adtunc & ibidem inuent̃ felonice cepit & aſportauit contra pacem &c. A

An Indictment for receiuing, ayding and comforting of a fellon, knowing him to haue done a fellonie.

Sect.286. INquiratur &c. Si R.S. ſciens præfat̃ I.R. felloniam prædict' in forma prædict' feciſſe & perpetraſſe eundem I. xx. die &c. Anno &c. in comitatu prædict' felonice recepit auxiliatus fuit & confortauit contra pacem &c. A

An Indictment for ſtealing two horſes of a mans vnknowen.

A INquiratur &c. Si W.H. nuper de F. in coñ præd' &c. vnum equum coloris gray prætij &c. & vnum equm coloris &c. prætij &c. de bonis et catallis cuiuſdam hominis ignoti die & anno ſupradict' fellonice cepit & abduxit contra pacem &c. Sect. 287.

An Indictment for aſſaulting and robbing of a man vpon the high way of a gelding and his purſe, and x. ſhillings of monry in it, and for the taking of two mares found in the high way.

A INquiratur &c. ſi I.I. &c. vi & armis in Regia via ducent̃ a W. vſq; ad B. in coñ p̃d' in R.S. gen̄ adtunc et ibid' exiſten̄ in pace &c inſultum fecit et vnã ſpadonem coloris nigri prætij &c. et x.s. in pecunijs numerat̃ exiſten̄ in vna burſa valoris vnius denarij exiſten̄ de bonis & catall' dicti R.S. apud B. præd' adtunc et ibid' in Regia via inuent̃, felonice cepit et abduxit contra pacem &c. & duas equas coloris &c. prætij &c. de bonis et catallis D.C. apud A. in coñ W. in regia via ibid' adtunc et ibidem inuent̃ cepit & abduxit contra pacem &c. Sect. 288.

An Indictment for the robbing, beating and wounding of one on the high way and taking from him x.s.

A INquiratur &c. Si I.S. &c. vi & armis in quodam loco ibid' vocat̃ the Aſhdownes croft in via regia ibid' in A.B. inſultum fecit & ipſum adtunc & ibid' verberauit vulnerauit et maletractauit ita quod de vita ſua deſperabatur & x.s. in pecunijs numerat̃ ſuper p̃ſonã ipſius A.B. adtunc & ibid' exiſten̄ de pecunijs bonis & catallis præd' A.B. adtunc & ibidē inuent̃ felonice cepit & aſportauit contra pacem &c. Sect. 289.

An indictment for aſſaulting of a woman, and felloniouſlie taking from her 5.s. 4.d'. in money.

A INquir̃ &c. ſi I.B. &c. vi & armis &c. in quendam E.C. apud B. in coñ p̃ed' inſultum fecit & quinq; ſolid' et 4.d'. a p̃ſona ipſius E. adtunc & ibid' inuent̃ felonice cepit & aſportauit contra pacem &c. Sect. 290.

An Indictment for ſtealing out of a cloſe foure Sheepe.

A INquiratur &c. Si I.S. &c. vi et armis clauſum I.S. ſenioris gen̄, apud B. in parochia de D. in coñ predict' fregit & intrauit, et quatuor oues precij v. s'. de bonis et catallis ip̃ius I. ibidē inuent̃ felonice cepit et aſportauit, contra pacem &c. Sect. 291.

An Indictment for breaking of a Houſe in the day time, and taking of vi. li. out of a Cheſt, and againſt one for ayding & conforting the ſaid felon.

A INquiratur &c. Si R.C. die &c. domum P.S. apud C. in com' predict̃, circiter horam primam poſt meridiem eiuſdē diei fregit et intrauit, ac vj. li. in pecunijs numeratis in quadam Ciſta adtunc et ibm' exiſten̄ de bonis et catallis pred' P.S. apud C. pred' in com' pred' adtunc et ibidem inuent̃ felonice cepit et aſportauit, contra pacē &c. Ac ſi G.L. &c. ſciens quod prefat' R.B. felonian præd' modo et forma præd' ſic feciſſet apud Sect. 292. Acceſſorie.

E. prædict' in com̃ pdict', die & anno supradict' felonice abettauit, confortauit, et concelauit, contra pacem &c.

An Indictment of Murther committed by the Father vpon his owne daughter with his fyst.

Sect. 293. INquiratur &c. Si I.L. de &c. die et anno &c. apud &c. in quodã loco vocat' Euerley Thornes in com̃ prædict', vi et armis &c. in quandam Aliciam L. filiam præd' Iohis, in pacem dei & dict' dñæ Reginę existen̄, ex malitia sua p̃cogitat' insultum fecit, verberauit et maletractauit, ita qd' de vita sua despabatur, ac pred' Iohãnes cum suis pugnis adtunc & ibidem felonice sup corpus percussit, dans eidem Aliciæ vnam plagam mortalẽ, de qua quidem plaga eadẽ Alicia incontinenter adtunc et ibiñ obijt. Et sic p̃d' Ioh. præd' Aliciam adtunc et ibid' felonice interfecit et murdrauit, contra pacem &c. A

An Indictment for the counterfayting of Testers, and for the paying and vttering of them.

Sect. 294. IVratores p̃sentant &c. quod H.P. nup de London Seruingman, die &c. anno &c. 40. pecias cunei argenti vocat' Testers, de cuneo dict' dñæ Regiñ et curren̄ monete Angliæ, ad similitudinẽ & instar veri cunei Anglican̄ et monet̃ dict' dñæ Regiñ apud Stanley Abbey pred' in com̃ præd' falso & ꝑditorie fabricauit et contrafecit, et diuersis legeis dict' dñe Regiñ die & anno supradict' apud S. prædict' in com̃ p̃d', vt vera Monet̃ dict' dñe Regiñ falso exposuit vtterauit et soluit, contra formam Statuti in hm̃odi casu edit̃, et contra pacem &c. A

An Indictment for counterfayting, making, and vttering of false Money, viz. Sixpences made with coyning Irons, of false mettall.

Sect. 295. INquiratur &c. Si W.H. de &c. die et anno &c. apud &c. falso & proditorie cuneis ferreis, vocat' Coyning irons, cuneam dict' dñe Regiñ, viz. Sixpences, Anglice Testerns, ex falsis metallis contrafecit & cunauerit, ad similitudinem bone & publice Monet̃ Angliæ attingen̄ ad quinque solid', et præd' falsam monet̃ sic vt p̃fertur ꝑditorie cuneatam præd' die et loco, & in diuersis alijs locis in com̃ pred' & diũsis diebus et vicib⁹ ligeis dict' dñe Regiñ ignot̃ pro bona monet̃ felonice et proditorie exposuit et vtterauit, contra pacẽ &c. et contra allegeantiã &c. A

An Indictment for Burning of a dwelling House, a Barne, and a Waine load of Barley in the same barne, and against one for comforting the said felon, after the felonie done.

Sect. 296. INquiratur &c. Si Will' Baker de &c. vi et armis, viz. baculis et cultellis quandam domum mansionalẽ, ac vnũ horreum cuiusdã W.T. necnon carucam hordei in horreo prędict' existen̄, et continen̄ ad valenc' xxx. libr̃, de bonis & catallis eiusdẽ W. apud T. p̃dict' in comitat̃ prædict', die & anno predict' felonice et voluntarie igniauit, accendit, cremonit, et cum igne distruxit, contra pacem &c. et contra formam A

Statuti

Statuti inde edit & prouis. Ac si I.K. nuper &c. sciens pred' W.B. felo-
niam pred' in forma pred' sic facient dict' die & anno apud T. pred' in Accessorie.
com pred' felonice concelauit procurauit & abettauit contra pace dominæ Reginæ.

An Indictment against two being prisoners for fellonie, for breaking of the prison, and letting out two prisoners.

A INquiratur &c. si B.C.F.G. nup de &c. nup arrestat, imprisonat et de- Sect. 297.
tent in gaola dict' dnæ reginæ de &c. p diuersis fellonijs p ipsos se-
peratim perpetrat 8. die Feb. anno &c. vi & armis &c. pd' gaolam dict'
dnę Reginæ de F. pd' in com pd' apud &c. fregerũt & I.C. nup de &c.
& I.S. prisonarios in ead' gaola existen adtũc et ibid' felon ad largũ ire
permiserunt contra pacem &c. ac contra formam statut &c.

An Indictment for breaking of prison by one committed for fellonie.

A INquiratur &c. Si A.B. nuper &c. existen in prisona dnæ Reginę apud Sect. 298.
C. &c. pro diuersis fellonijs vnde coram Iustic' pacis dictæ dnę Regi-
næ in com pred' ad Sessionem tent coram eisdem Iusticiar primo die
&c. anno &c. felonice ab gaola illa adtunc & ibidem transijt & felonice euasijt contra pacem &c.

An Indictment grounded vpon a statute law against one that keepeth Greyhounds, Houndes, and Ferrets, who may not dispend 40.s. per Annũ,

A INquiratur &c. si A.B. nuper de &c. Quod cum in parliament apud Sect. 299.
Westm nuper edit inter alia continet qd nullus Laborarius artifex
nec vllus alius laicus qui non habet terras & tenement ad valenc' 40.s.
per annum, nec vllus capellanus seu aliquis alius Clericus si ipse nõ ha-
bet beneficium ad valenc' x.li. p annum, qui si existet qd tunc imposte-
rum non haberet seu custodiret vllum canem leporarium vocat a Grey-
hound vel can venaticum vocat a hound, seu alios canes pro venacione
vteretur venarijs vocat Firrets, vel magnis retibus vocat Hayes, vel re-
tibus vocat harepipes, aut alijs engenis quibuscunq; ad capiend' aut de-
struend' feras lepores aut cuniculos sub pena imprisonament per vnum
annum integrum prout in Act pliament pd' plenius continetur: pd' A.
B. non habens terr & tenement ad valenc' xl.s. p annum leporarios vo-
cat Greyhounds, venaticos vocat Hounds, & alios canes ad venand' a-
pud N. in com pd' habet & custod' ac etiã venarijs vocat Firrets vt su-
pra die & Anno apud N. in com pd' vtitur, ad capiend' & distruend' fe-
ras, lepores & cuniculos contra formã statut pred' vel in contempt dnæ
Reginæ nunc & contra formam statuti pred' &c.

An Indictment for stealing of iiij. oxen and of the accessaries to the same fellonie before and after the same fellonie done.

A INquir &c. si A.B. de F. in com N. Yeomã, die et ann &c. 4. boues pcij Sect. 300.
&c. de bonis & catallis I.S. de W. in com pd' inuent felonice furat fuit
cepit & abduxit. Et si W.B. de N. in com præd' yeomã, die & anno &c. Accessorie.

apud N.in com̃ p̃d' fuerunt cõſentiẽtes & abbettañ p̃d'A.B.ad felloniã præd' in forma præd' faciend' contra pacem &c. Et pur les acceſſaries ayes in ceſt manner. Et ſi H.W.et P.R.nup de &c.ſciẽ p̃d' A.B.felloñ p̃d' in forma p̃d' feciſſe apud T.p̃d' & alibi in com̃ p̃d',præd' 10.die &c.Ac eundẽ A.B.ſelonice receptauerunt contra pacem &c.

An Indictment of wilfull Murther.

Sect.301. INquiratur &c. Si T.S.de D. in comit̃ prædicto yeoman, xx. die Iunij Anno &c.vi & armis &c.viz. gladijs baculis et cultellis in quendã W. P.de S.in com̃ præd' Huſband, in pace dei et dict' dñæ reginæ exiſtẽn, ex malitia ſua p̃cogitata apud L.in com̃ p̃d' inſultum fecit et cum quodã enſe ad valenc' x.s. quem idem T.in manu ſua dextra adtunc et ibid' habuit & tenuit præf.W. ſuper dextrã ꝑtem capitis ſui percuſſit dans ei plagam mortalẽ,de qua quidem plaga p̃d' W.P.a p̃d' xx.die Iunij vſq; ad 12.diem Decemb.languebat̃ et tunc de plega præd' moribat̃.Et qd̃ præd' T.apud L.præd' ex malitia ſua præcogitat̃ felonice et voluntarie interfecit et murdrauit contra pacem̃ &c. A

An Indictment of manſlaughter againſt two, and againſt one other as acceſſorie to the ſame.

Sect.302. INquiratur pr domina Regina,ſi A.B.de C.in com̃ D.yeomã,& W.F. de T.in comit̃ pred' Huſband,ſecũdo die &c.in I.W.de C.in com̃ p̃d' Labourer,apud L.pred' inſultum fecerunt et ipſum I.W.adtunc et ibid' idem A.B.cum quodam armicudio qd̃ dict' A.B.in manu ſua dextra tenuit in gutture ipſius I.felonice percuſſit, de quo ictu præd' I.interijt et moriebatur. Et præd' W.F. cum quadam tendite vocat̃ a hedge Bill; quã ipſe in manibus ſuis tunc tenuit ipſum I.adtũc et ibid' ꝑcuſſit et ipſum A.B.ad interficiend' et murderand' præd' I. adtunc et ibidem felonice auxiliauit. Et ſic A.B. præd' die anno & loco p̃d',p̃d' I.W.felonice murdeř et interfecit: et quod H.W.de P. in comitatu præd' geñ ſciens præd' A.B.præd' felloniam & murdrum prædict' in forma præd' feciſſe apud L.& alibi in dicto com' decimo die &c. eundem A.B. felonice recepit contra pacem &c. A

Acceſſorie.

An Indictment of Treſpas for breaking and entring into a cloſe.

Sect.303. INquiratur pro dña Regina,ſi I.S.de N.in com' N.decimo die Iu. anno &c.vi & armis &c. clauſam A.B.de H. apud F. in com' præd' fregit & intrauit et herbã A.B.ad valenc' x.s. ibid' nuper creſceñ cum quibuſdam auerijs depaſtat̃ fuit conculcauit et conſumpſit.Et alia enormia ei intulit ad graue dampnum ipſius R. G. et contra pacem dominæ Reginæ coroñ et dignitatem ſuas. A

An Indictment for lying in waite to kill one, and for aſſaulting, beating and wounding of him,and for entring into and breaking of his cloſe.

Inquiratur

A INquiratur pro dña Regina, ſi R.C. de B. in coñ N. Labourer, octauo die &c. anno &c, apud B, p̄d' iacuit inſidijs ad interficiēd' W.S. de T, in com' p̄d' Iuſtic̄, et ipſum adtunc inſultum fecit, verberauit vulnerauit et maletractauit ita qđ de vita eius deſperabatur. Ac etiam ſi p̄d' G. et R. vxor eius 30. die Octob. Anno ſupradicto clauſum ipſius W. apud B. præd fregerunt et intrauerunt et herbam ſuam ad valenc' &c. ibidē creſceñ cum quibuſdam auerijs depaſtaē fuer̄ conculcauerunt et conſumpſerunt contra pacem &c. Sect. 304.

An Indictment of Treſpas for breaking and entring into a cloſe, and cutting downe Aſhes in the ſaid cloſe.

A INquiratur pro domina Regina, ſi A.B. de C. in com' L. clericus et W. D. de ead' villa et comit̄ Clericus quarto die Auguſti Anno &c. clauſum A.B. de M. in com' præd' fregeř et intrauerunt et fraximos ipſius A.B. ibid' creſceñ ad valenc' 40. s. furcinderūt et aſportauerunt ad graue dampnum &c. Ac contra pacem &c. Sect. 305.

An Indictment for a Riot committed by manie vpon two, and for beating and wounding of them, vpon the Statute of Anno 2. R. 2. cap. 7.

A INquiř pro dña Regina, ſi A.B. de nuper de M. in coñ M. yeoman, aggregatis ſibi quampluribus male factoribus et Dominæ Reginæ perturbatoribus ignoř ad numerū &c. modo guerrino armaē ſexto die Iunij Anno &c. apud S. in comitaē præd' riotoſe et routoſe ſe illicite cōgregauerunt et coadunauerūt et tunc et ibid' in R.W. et W.P. ipſos interficiend' inſultum fecer̄, et ipſos R. & W. tunc et ibidem verberauerunt vulnerauerunt et maletractauerunt, per quod ipſe de vita ſua deſperabatur contra pacem dominæ Reginæ &c. Sect. 306.

An Indictment againſt two for aſſaulting of one, and for taking of 4. kine frō him that he had taken dammage feaſaunte in his land, and was carrying of them to the pownd.

A INquiratur pro dña Regina, ſi I.L. de B. in com' S. yeoman, & I.I. nup de eadem villa in com' præd' decimo quinto die &c. apud B. præd' vi & armis in et ſuper I.D. inſultum fecerunt et adtunc et ibidem quatuor vaccas, quas in et ſuper terr̄ ſuam dampnum facieñ cepiſſet & ſecundū conſuetud' villæ p̄d' ibid' impercari voluiſſet, ab eodem I.G. riotoſe ceperunt & ab inde contra eius voluntatem abduxerunt contra pacem dñæ Reginæ &c. Sect. 307.

An Indictment for a Reſcous made againſt the Sheriffes, Bayliffes, of one by them arreſted by force of the Queenes writte: and for the taking away and detaining of the ſaid writte.

A INquiraē p dña regina, ſi R.W. de D. in coñ L. die &c. Anñ &c. apud D. p̄d' in coñ præd' vi & armis &c. in & ſuper B.C. & I.H. balliuos Sect. 308.

itinerant T. vic' I. resсussum fecerunt et quendã T. T. quẽ p̃d' B. C. I. H. virtute breuis dict' dñæ Reginæ pred' vic' direct cepissent et attachiat fuissent ab eisdem B. C. & I. H. et extra eorum custod' ceperint: & etiã breue prædictũ ab eisdem balliuis itinerañ custodiuit & detenuit & adhuc detinet in malum exemplum totius populi dominæ reginæ ibid' prope commorantes ac contra pacem &c.

An Indictment of manslaughter committed by two, and one as accessorie after the manslaughter done.

Sect. 309. INquiratur pro dña regina, si S. W. de L. in coñ I. fabricarius & W. S. de C. in coñ pred' yeoman, secundo die Aprilis Anno regni Eliz. &c. sexto in A. B. de C. in coñ pred' operarium apud C. pred' insultum fecerunt, et ipsum A. B. adtunc et ibid' idem S. W. cum quodam gladio qd dict' A. in manu sua dextra tenuit in collo ipsius I. percussit, de quo ictu præd' I. interijt ac moriebatur. Ac idem S. W. eundem A. B. inueñ cum dicto gladio adtunc & ibidem grauiter vulnerauit: de quibus quidem vulneribus & ictibus idem I. interijsset si non interijsset de predicto vulnere in collo percus. Et præd' W. S. cum quadam tendite vocat a fozrest Bill, quod ipse in manibus suis tenuit ipsum I. adtunc & ibid' percussit & ipsum W. S. ad interficiend' & murdrand' præd' I. adtunc & ibidem felonice auxiliauit: Ac sic S. W. præd' I. die Anno & loco præd' felonice murdrauit & interfecit: Et pred' L. B. nuper de &c. in coñ &c. geñ sciens præd' S. W. felloniam & murdrum præd' in modo & forma præd' sic feciisse apud E. & alibi in dicto coñ decimo die &c. eundem A. B. felonice recepit contra pacem dñæ Reginæ coroñ & dignitat suas. A

Accessorie.

An Indictment against two, for hearing of these words spoken by one viz. A vengeaunce on the Queene and of such false Councel. *And then declaring of the same to the Sheriffe of the Shire.*

Sect. 310. INquiratur pro dña regina, si W. I. de S. in coñ N. clericus die &c. apud W. præd' deum præ oculis non habens & ligeanciam debit minime ponderans falso & proditorie vt falsus proditor & inimicus ipsius dñæ Reginę dict' die et Anno apud N. præd' coram A. B. & C. D. de E. in coñ præd' yeoman, obstinate & mallitiose dixit & propagauit hæc verba sequentia in Anglicanis verbis (*a vengeaunce of the Queene and of such false Councell*) tam contra legeanc' & pacem dñæ Reginæ quam contra formam Statut in huiusmodi casu edit & prouis. Et sic præd' A. B. & C. D. scicus præd' I. dicta verba proditorie locut fuisse, falso & ꝓditorie contra legeanc' debit suam concelauerunt & secrete custodierunt contra pacem dñæ Reginæ et contra formam statuti in huiusmodi casu edit et prouis. vsq; ad primum diem Martij Anno &c. qd dicti A. B. & C. D. dicta verba sic proditorie per dict' I. loquut corã N. S. milite vicecomite coñ præd' ac R. S. geñ, retulerunt & ostenderunt. A

Concealing.

An

An Inquiſition taken before a Coroner vpon the view of the body dead, how he came to his death: In which it is found that he dyed of a feuer or Ague by the viſitation of God and not otherwiſe.

A INquiſitio capt̄ apud S. in com̄ S. viceſimo die &c. Anno &c. coram I. B. vno coronatorum dictæ dominæ Reginæ in com̄ prædict' ſuper viſum corporis A. B. nuper de E. in comitat̄ prædict' husbandman, ibidem iacen̄ mortui per ſacrament̄ &c. Qui dicunt ſuper ſacrament̄ ſuum quod ita accidebat apud G. prædict' die &c. Anno &c. quod prædictus A. B. egrotabat apud G. prædict' de Febri a decimo die Aprilis vſque ad viceſimum diem menſis eiuſdem, Quo quidem die ex Febri prædict' et viſitatione dei adtunc & ibidem prædict' A. B. circa horam decimam eiuſdem diei ante meridiem obijt. Et Iuratores predict̄ dicunt quod predict̄ A. B. ex nullo alio morbo egritudine aut infirmitate ad mortem ſuam deueniebat ſed hec eſt cauſa mortis ſui & non aliter. In cuius rei teſtimonium huic inquiſitioni tam præd' Coronator quam Iuratores predict' ſigilla ſua appoſuerunt. Sect' 311.

An Inquiſition found before a Coroner vpon the view of the bodie dead, in which it is found that S. A. being keeper of the Earle of Pembrooke his parke finding one hunting in the ſame parke required him to ſtand and yeeld himſelfe, he neuertheleſſe defended himſelfe and would not yeeld: whereupon the parke keeper, with a foreſt Bill with a thruſt in the breaſt killed him.

A INquiſitio indentat̄ capt̄ apud Sarfield in comitatu S. nono die Februarij Anno &c. per ſacramentum &c. Qui dicunt ſuper ſacramentum ſuum quod cum quidam S. A. percarius prenobilis W. comit̄ Penbrochie parce ſui de Ponsburie in comit̄ prædict̄ viceſimo die Ianuarij Anno regni dictæ dominæ Reginæ quarto, circa vndecimam horam eiuſdem diei inueniebat prædict' Th. H. in parco prædict' venant' & vagrant̄ ad damnum ibidem faciend'. Et prædict' T. H. poſt clamorem p prædict' St. adtunc & ibidem leuat̄ ad pacem dictæ dominæ Reginæ ad ſtand' rect' reddere ſe nolebat ſed ad malitiam ſuam exequend' & continuand' & pace dictæ dominæ Regin̄ diffugiend', vi & armis tunc & ibidem ſe defendebat predictus St. A. adtunc & ibidem veniens ad eundem malefactorem ſic inuent̄ arreſtand' & capiend' cum quadam tendite Anglice vocat̄ a Foreſt bill, quam prædictus S. A. in manu ſua dextra tenuit prædict' T. H. vi & armis reſiſtant̄ adtunc & ibidem in pectus ipſius T. percuſſit, de quo quidem ictu idem T. H. primo die Februarij tunc prox' ſequen̄ apud Sarfield, predict̄ in comitatu predicto obijt. Et Iuratores prædicti vlterius dicunt ſuper ſacramentum ſuum, Quod prædictus S. A. non occaſione alicuius diſcordie contumelij aut alicuius maleuolenc' ſiue odij precogitat̄ ſed ſolummodo ob cauſam Sect' 312.

prx-

prædictam & non aliam præd' T,H, percussit vt prefertur: In cuius rei testimonium &c.

An Indictment of Confederácie or Combination by oath against the Queene and others.

Sect' 313. INquiratur pro Domina Regina, si Io,H, de B, in comitatu Lincolne A yeoman,& W,P,de G.in comitatu prædict' yeoman,E,F,de G,in comitat prædict' yeoman,die Lune proxime post festum sancti Michaelis Archangeli obligauerunt,& fides suas mutuas insimul dederunt iurauerunt & sacramenta sua super librum prestiterunt, quod in alto & basso iusticia & iniusticia iure & iniuria,se ad inuicē tenerent et in oībus occasionib⁹ querelis & demaund' quibuscunque contra ipsos vel quēlibet eor mouend' ad sectam domini regis seu alicuius alterius partis & combinauerunt & confederauerūt contra dictam dominam Reginam & cunctum populum suum, in magnum preiudicium & letium totius populi dictæ dominæ Reginæ,& contra formam statuti in huiusmodi casu editī & prouis.

An Indictment vpon the statute of Maintenance, for the maintaining of one in an action of Formedon in discender.

Sect' 314. INquiratur pro domina Regina, quod cum in statuto in Parliamento A apud Westmoñ nuper editī inter cetera continetur,quod nulla persona de regno dominæ Reginæ Angliæ cuiuscunque status gradus siue conditionis fuerit,aliquam querelam in aliqua curia nec alibi manuteneat,nec sustineat super penam imprisonamēti & faciend' dominæ Reginæ finem & redemptionem ad voluntatem ipsius dominæ Reginæ prout &c,Quidam tamen P. M. de P. in comitatu N. yeoman, statutī prædict' minime ponderans quandam querelam cuiusdam loquelæ que E, in curia dominæ Reginæ nunc Elizab. coram iusticiarijs dictæ dominæ Reginæ de communi banco apud Westmonasterium per breue ipsius dominæ Reginæ de *Forma donationis in discender* inter R, G, petentī & N, A, tenentī de quinque acris terre &c. cum pertiñ in C, pro parte ipsius N.tenend' secundo die Aprilis anno &c, apud N.in comitatu prædict' manutenuit & sustentauit,et adhuc sustentat in dictæ dominę Reginæ nunc contemptum,ac contra formam statuti, et contra pacem dictæ dominæ Reginæ,

An Indictment of Forcible entre vpon the statute of Anno 8, Hen, 6.

Sect' 315. INquiratur pro domina Regina, Quod cum in statuto in Parliamentī A domini Henrici 6, nuper Regis Angliæ apud W. Anno regni sui octauo tentī editī inter cetera continetur: Quod si aliqua persona de aliquibus

bus terris vel tenementis manuforti expulsa sit vel disseisit vel pacifice expellat̃ & postea manuforti extra teneatur vel per aliquod feoffamentum vel discontinuationem inde post talem ingressum ad ius possessoris defraudend' & tollend' aliquo modo fiat, habeat pars in hac parte grauat̃ versus talem disseisitorem Assisam noue disseisine vel breue de transgressione, Et si pars grauat̃ per Assisam vel actionem transgressionis recuperet per veredictum vel alio modo per debitam legis formam inueniatur, Quod pars defendens in terris vel tenement̃ vi ingressa fuit vel ea per vim post ingressum suum tenuit, recuperabit, querens dampna sua ad triplum versus defendentem. Et vlterius finem & redemptionem ad dominã Reginã faciat prout in Statuto plenius apparet: Quidam tamen I. D. de D. in comitatu prædict' Yeoman, & R. S. de eodem comitatu yeoman, Statutum prædict' minime vereñ primo die Maij anno &c. apud D. prædict' in comitatu prædict' quendam W. S. de vno messuagio siue tenement̃ cum pertinentijs in D. prædict' per mandat̃ W. Bush manuforti expellauerunt & disseisiuerunt ac ipsum sic expulsum et disseisit̃ a prædict' primo die Maij vsque diem capcionis huius Inquisicionis extratenuerunt & adhuc extra tenent, contra pacem Dominæ Reginæ Coronæ & dignitat̃ suas, & contra formam Statuti in huiusmodi casu edit̃ et prouis.

An Indictment for shooting in a Handgunne, against one that may not dispend C. li. per annum.

A INquiratur pro domina Regina, quod cum I. R. de W. in comitatu prædict' generos. non habens terras tenementa feod' vel Annuitates ad vsum suum proprium annui valoris centum librarum nono die Iulij anno Regni Regis Richardi primi apud S. in comitatu M. sagittauit in quodam torment̃ vocat̃ a Handgunne, contra statut̃ in huiusmodi casu edit̃ & prouis. Sect' 316.

The Title of the generall Sessions of the peace, in the Countie of Chester.

¶ Sessio pacis generalis dominæ Reginæ tent̃ apud Cestr̃ in comitat̃ Cestr̃ videlicet, quarto die Maij, anno Regni dominæ Elizabethæ dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ fidei defensor̃ &c. decimo coram S. H. D. L. S. E. & alijs Iusticiarijs pacis in Comitatu prædict'.

Inquisitio capt̃ ibidem per sacramentum R. M. de &c. Qui dicunt super sacrament̃ suum, quod cum in statuto &c.

The

The Trauerse of an Indictment of Forcible entrie.

PRo A.B.C.D.E.F. versus dominam Regiñ in trauers super Indictamenṫ.

¶ Et prædict A.B.C.D.& E.F.per I.B.atturnatum suum veñ et dicunt,quod dicta domina Regina nunc ipsos seu aliquem ipsorum actione Indictamenṫ prædict grauare seu impetere non velit aut debet: Quia protestand'quod indictamenṫ predict minus sufficiens in lege existit ad ponend' ipsos respondere, pro placito tamen seperatim dicunt quod quoad vi & armis, & quicquid quod est contra pacem dicte domine Regine,nec non ad intracionem disseisinam,expulsionem, extratenationem,& quicquid quod est contra formam statuti prædict' ijdem A.B.C.D.& E.F.dicunt quod ipsi in nullo sunt culpabiles modo & forma prout per indictamenṫ predict' superius supponitur. Et de hoc ponunt se seperatim super patriam: et R. C. armiger qui pro domina Regina hic in hac parte sequitur, pro ipsa domina Regina similiter &c.

An Indictment for making of false gold at Roane in France,and for vttering of it in England.

Sect' 317. INquiratur pro domino Rege & domina Regina, Quare cum in statuto in Parliamento dictorum domini regis & dominæ Reginæ nuper tenṫ apud Westmoñ duodecimo die Nouembris Annis regnorum dicti domini regis & domine regine, primo & secundo authoritate eiusdem parliamenti inactitaṫ & ordinaṫ fuit, Quod si aliqua persona siue alique persone post vicesimum diem Ianuarij extunc proximñ sequeñ introduceret siue introducerent,a partibus transmarinis in hoc regnum Anglie vel in aliquod dominum huius dicti regni Anglie, aliquas falsas & cõtrafictas cuneas monetas siue pecunias de auro aut argenṫ alicuius alterius regni,non existenṫ de proprijs cuneis,monetṫ, siue pecunijs de hoc regñ Anglie,scientes predict' cuneas monetas,siue pecunias fore falsas & cõtrafactṫ, Ea intencione ad vtterand' siue soluend' predict' falsas contrafactṫ cuneas,monetas siue pecunias infra hoc regnum Anglie & dominij eiusdem regni per merchandisas vel aliter. Quod tunc talis persona, siue persone sic vt spradict' est offendentes & eorum conciliatores procuratores, auxiliatores, & abbettaores in tali casu, existimati erunt & adiudicabuntur fore offenditores in alta prodicione. Et quod prædict' persona siue persone sic offendentes, & post eorum legittimam conuictionem siue attincturam subibunt tales penas mortis et forisfacturas, terrarum, bonorum, et catallorum suorum,sicut alij offendentes in casibus alte ꝑditionis, prout in eodẽ statuto satis aperte declaratur: Quidam tamen H. S. nup̄ de Hallifax in coñ Ebor' Merchāt, alias dict' H.S. de Halifax in coñ E.Merchant, post p̄dict' vicesimũ diẽ Ianuaṙ, et post ordinationẽ statuti p̄dict', viz. vndecimo die mensis Nouem-

Nouēbris, annis regnorū Phillippi et Marię dei gratia Regis et Reginæ, Hiſpaniarum, Franc', vtriuſq; Ceciliæ, Ieruſalem, et Hibernī fidei defenſorū, Archiduc' Auſtriæ, Duc' Burgundie, Medowlañ, et Brabanc', Comit' Haſpurgij, Flandr', et Tirolis, tertio et quarto, numerū xxxj.li. et x. s in ſexaginta et ſex pec' vocat' halfe Soueraines, and Engliſh Crownes, de ære, cupro, alcameno, et diuerſis alijs metallis inſimul mixt', falſo et proditorié apud Roane, et Diepe, in ptibus tranſmarinis in regno Galliæ, ad ſimilitudinē bonarum dimidiū Sufferanciarum et coronarum Auri de cuna dictorū dñi Regis et dñæ Reginæ huius regni Angliæ, per quoſdam falſos proditores apud Roane et Diepe p̄dict' in prædict' partibus tranſmarinis falſo & p̄ditorie ibidem fabricat' & contrafact' a prædicto regno Galliæ, vſque ad hoc regnum Angliæ, & ad Ciuitat' Norwichiæ introduxit & introduci procurauit. Et præd' H. S. prædictas ſexaginta dimid' ſufferenc' vocat' threeſcore halfe ſufferains, ac prædict' ſex coronas Anglice vocat' vi. Engliſh Crownes, modo & forma prædict' fore falſas & fabricat' ſecundum formam & ſimilitudinem bonarum dimidiarum ſufferanc' & Coronarum huius regni Angliæ affirmans, dictas ſufferenc' & Coronas illas fore de bono auro & de habili monet' huius regni Angliæ quinque falſas dimid' ſufferanc' & vnam Coronam vocat' halfe Engliſh Sufferaines, and one Engliſh Crowne, de prædict' ſexaginta & ſex dimid' ſufferenc' & Coronis in forma prædict' ex ere cupro alcameno, fabricat', & contrafact' cuidam H.B. hic apud Norwicañ in comitatu p̄dict' pro vno equo, vno gladio, & vno ſcuto de bonis et cattallis prædict' H.B. per ipſum H.S. de eodem H.B. adtunc & ibidem empt', pro bona ſolucione falſo fraudulenter & proditorie adtunc & ibidem vtterauit ſoluit & liberauit, contr' pacem &c, ac contra formam ſtatuti &c.

An Indictment of Treſpas for breaking of a cloſe, and deſtroying of wheat then growing in the ſame.

A Inquirat̄ preſentant pro domina Regina, quod W.C. nuper de D. in com̄ prædict' Arm̄ T.B. &c. tertio die &c. vi et armis &c. clauſum I.N. apud S. in comitat' p̄dict' in quodam campo vocat' &c. fregerunt & intrauerunt & tres quarterias frumenti ipſius I.N. ad valenc' trium librarū adtunc & ibidem creſcen cum quibuſdam bigis ſiue carucis equis & pedibus ſuis ambuland' conculcauerūt & conſumpſerunt. Et alia enormia ei intulerunt, contra pacem dictorum dominæ regis, & dominæ Reginæ nunc &c. Sect' 318.

An Indictment or Inquiſition before the Coroner ſuper viſum corporis, *of one who killed one in his owne defence.*

A Inquiſitio indentat' capt' apud T. in comitatu Ceſtrie, ſecundo die &c. Anno &c, coram I.M. gen̄ vno Coronat' dictæ dominæ Reginæ in com̄ Sect' 319.

mit prædict' ſuper viſum corporis A.B.nuper &c. adtunc & ibidem ſuper terram mortui iacen̄ per ſacrament̄ &c. I. H. &c. ac de tribus alijs villat̄ propinquioribus, videlicet, A.B.C.in comitatu prædict' ad inquirend' qualiter & quomodo prædict' A.B. ad mortem ſuam deuenit: qui ſuper ſacramentum ſuum dicunt, Quod cum ipſe A.B. decimo quinto die Octobris, Anno Regni &c. quinto circa horam ſeptimam ante meridiem eiuſdem diei apud T.prædict̄ in comitat̄ prædict̄,vi & armis cōtra pacem dictæ dominæ Reginæ in quendam R.nuper de T.prędict̄ in comitat̄ Ceſtriæ prædict̄ Butcher, adtunc & ibidem in pace dei & dictæ dominæ Reginæ exiſten̄ inſultum fecit & ipſum R. B. cum quodam baculo vocat̄ a pikeſtaffe, quem idem A.in manibus ſuis tenuit,verberauit, ac ſuper brachium ſuum grauiter percuſſit, ita vt idem R. B. pro ipſius vite, ſaluatione a prædicto A. B. quantum potuit, fugit vſque ad magnam concauam pipam vocat̄ a hollow ſtake vltra quam ipſe R. B.a prefat' A.fugere non potuiſſet,Et ſic ipſe R.B. ſeipſum, ac vitam ſuam defentem prædict̄ A. B. prædict̄ inſultum, aſſidue continuand' ſuper poſteriorem partem capitis ipſius A. dicto xv. die Octobris anno quinto hora & loco ſupradictis, cum quodam baculo vocat̄ a browne Bill, pretij &c. quem idem R. B. adtunc & ibidem in manibus ſuis tenuit percuſſit, dans ei plagam mortalem, tres pollices longam vnam pollicem latam & dimid' vnius pollicis profund': Super quā quidem plagā ipſe A.B.languidus iacebat vſque ad viceſimum diem Octobris prædict̄,in quo qnidem xx.die Octobris anno &c. idem A.apud T.predict̄ in com̄ præd' ex ipſa plaga ei dat̄ modo & forma præd' moriebatur.In cuius rei teſtimon̄ &c.

An Indictment or Inquiſition taken before the Coroners ſuper viſum corporis, *of one ſlaine by misfortune, by one as hee was ſhooting at the Buttes.*

Sect' 320. INquiſitio indentat̄ capt̄ apud B. in comitatu &c. die & Anno &c. coram R.H. Armiger̄: vno Coronatorum dict' dominæ Regine in comitat̄ predict' ſuper viſum corporis I. C. nuper de R. in comitatu præd' Labourer, adtunc & ibidem ſuper terram mortui iacen̄ per ſacrament̄ I.B.ſenioris I.H.&c. ac de tribus alijs villat̄ propinquioribus, videlicet, de M.R.et E.in comitat̄ prædict̄ ad inquirēd' qualiter & quomodo predict' I.E.ad mortem ſuam deuenit: Qui ſuper ſacramentum ſuum predict' dicunt, quod cum quidem Chriſtop̄ W. nuper de ciuitate Ceſtriæ in comitat̄ ciuitat̄ Ceſtriæ ſherman, cum multis alijs, ſecundo die &c. anno &c.ſexto ſupradicto circa horam primam poſt meridiem eiuſdem ſecundi diei apud B.prædict̄ in comitat̄ Ceſtrie prædict' in pace dei ac dominæ Reginæ exiſten̄, ac ibidem ad metas Anglice vocat̄ Buttes ſagittan̄ adtunc & ibidem venit prædict' I.E. ad metas prædict',ac dum A

prx-

prædict' C.W. ad ipſas metas inter ſagittand' fuit, ipſe I.E. obiter & improuiſo poſuit ſe inter metas prædict vt prædict C. W. ſagittabat ad metas prædict cum quadam ſagitta pretij &c. dicto ſecundo die Iulij, ac hora & loco ſupradictis per infortunium percuſſit prædict I.E. in gutture dans ei mortalem plagam inprofundtate duos pollices. Super quã quidem plagam ipſe I.E. a prædict ſecundo die Iulij vſque ad quintum diem eiuſdem menſis apud R. prædict in comitatu Ceſtrie prædict' languidus iacebat, ac in eodem quinto die menſis Iulij prædict' ipſe I. E. apud T. predict' in comit Ceſtr prædict' de prædict' plaga modo & forma predict moriebatur, Ac etiam Iuratores prædict ſuper ſacramentum ſuum præd' dicauit quod præd' C.W. dicto 2. die Iulij, aut aliquo tempore poſt eundem 2. diem menſis Iulij non habuit aliqua bona ſeu catalla infra prędict coñ Ceſtr. In cuius rei teſtimonium vtriſque partibus huius inquiſitionis tam prædict Coro- nat quam prædict Iuratores ſigilla ſua poſuerunt die & anno primo ſupradictis.

An Indictment againſt the Husband and his wife for lying in waite, and for the aſſaulting, beating and wounding of one.

A INquiratur pro domino Rege & Regina, Si N.B. nuper de T. in comitatu Ceſtrie yeoman, K.W. vxor eius &c. decimo ſeptimo die &c. Anno &c. apud T. iuxta T. in comitatu prædict in quodam loco vocat le Hall yarde, iacuerunt in inſidijs & adtunc & ibidem inſidiati fuerunt quendam R. H. & ipſum R. ibidem vi & armis &c. inſultum fecerunt, verberauerunt, vulnerauerunt & maletractauerunt. Ita quod idem R. languidus exiſtit ac de vita ſua deſperabatur, vi & armis, & contra pacem &c. Sect' 321.

An Inquiſition of wilfull Murder taken before diuers of the Iudges and others, as Iuſtices of the Peace, for a Murder done in Weſtminſter.

A INquiſitio capt apud Weſtmonaſter in comitatu Middleſex' xxiij. die Aprilis anno Regni Elizab. &c. xvj. coram Ioh. Southcot vno Iuſticiar dictæ dominæ Reginæ ad placita coram ipſa Regina tenend' aſſign Rob. Mounſon vno Iuſticiar eiuſdem domine Regine de banco, Gilb. Gerrard armiger, Atturnat dicte domine Regine generali, Will' P. & B. R. armig' Iuſtic' dicte domine Regine apud pacem in comit præd' conſeruand', nec non ad diuerſas felonias, tranſgr, & alia malefact' in eodem coñ perpetrat audiend' & terminand' aſſignat' per ſacramentũ 12. iurat' exitit preſentat, quod R.S. nuper de ciuitate Weſtmoñ in coñ Midd' & I.T. nuper de ciuitat W. p̃dict in coñ præd' yeoman, xx. die M. anñ Reg. Eliz. &c. xvj. vi et armis viz. gladijs, baculis &c. circa hor vj. poſt meridiẽ eiuſd' diei ex malitia ſua p̃cogitat apud ciuit W. p̃d' in coñ p̃d' in quend' W.R.I. in pace dei & dict' dñe Reg' adtunc et ibid' exiſt' inſult fecer Sect' 322.

fecer̃ & præd' R. S. cum vno glagio quem ipſe prædict' adtunc & ibidẽ in manu ſua dextra habuit et tenuit prædict̃ W.R.I. ſuper dextrum brachium Ipſius W. adtunc & ibidem felonice percuſſit & dedit ei adtunc et ibidem vnam plagam mortalem profunditatis quatuor pollicium et latitudinis Anius pollicis de qua quidem plaga mortali prædict' W. R. I. apud ciuitatem W. præd' in coñ præd' die et Anno ſupradict' inſtanter obijt. Et quod prædictus I. T. præd' xix. die Martij Anno xvi. ſupradicto apud Weſtm̃ præd' in coñ præd' felonice fuit preſens, procurans abbettans, confortans et auxilians prefatum R. S. ad feloniam et murdrum præd' in forma præd' faciend' & perpetrand', contra pacem dictæ dominæ Reginæ nunc. Et ſic prædict' R. S. & I. T. die anno loco & comit̃ prædict̃ prefat̃ W. R. I. ex malitijs ſuis preeogitat̃ felonice et voluntarie interfecerunt & murdrauerunt, contra pacem dictæ dñæ regiñ nunc Coronam & dignitatem ſuas.

An Indictment of man-ſlaughter againſt many, ſome for ſtriking of the partie ſlaine, and ſome others for comforting, and ayding of them being preſent, and ſome as acceſſories after the fact committed, and that diuers of them fled.

Sect' 323. INquiſicio capt' apud Ceſtr̃ infra Wardam Caſtri domini regis, ibidẽ die veneris prox' poſt feſtũ Apoſtolorum Simonis et Iude anno regni regis Rich. tertij poſt conqueſtum Angliæ ſecundo, coram T. H. et I. L. Coroñ dicti domini regis hundred' de B. in coñ Ceſtriæ ſuper viſum corporis I. C. felonice interfecti per ſacramentum &c. Qui dicunt ſuper ſacramentum ſuum, quod T. W. nuper de M. in comit̃ Ceſtr̃ yeoman, R. B. nuper de M. in coñ Ceſtr̃ armig', N. B. nuper de M. & alij &c. die ſabbati prox' poſt feſtum exaltationis ſancti Cruci, Añ regni regis R. 3. poſt conqueſtum Angliæ ſecundo apud H. in comitat̃ Ceſtr̃ in inſidijs iacuerunt pro dicto I. C. ipſum ad verberand', vulnerand', & felonice interficieud' vi et armis, et contra pacem domini regis: Et dicto die Sabbati & añ apud H. p̃d' in ipſũ I. C. inſult' fecerũt. Et p̃d' T. W. die Sabb. & añ p̃d' apud p̃d' felonice percuſſit p̃d' I. C. ſup caput ſuũ vſq; ad cerebrum cum quodam gladio pretij &c. & dedit ei plagam mortalem vnde obijt die veneris prox' poſt feſtum ſancti Mich. Arch. tunc prox' ſequeñ apud Ceſtriam prædict', infra wardam Caſtri domini regis ibidẽ. Et ſic pręd' T. W. ipſum I. C. dict' die Sabbati, & anno apud H. prædict̃ felonice interfecit: Et quod præd' R. B. eiſdem die et anno apud H. felonice percuſſit prædictum I. C. ſuper tibiam ſuam dextram cum quodam gladio pretij &c. & dedit ei plagam mortalem vnde obire debuiſſet ſi non obijſſet de ictu quam prædict' T. W. ei prius dedit. Et ſic prædict̃ R. B. ipſum I. C. dicto die Sabbati, et anno apud H. prædict' felonice interfecit. Et quod prædict' N. B. I. H. I. M. & R. C. dict' die Sabbaei & A

Anno

Anno apud H.p̄d', felonice fuer̄ p̄ſentes auxiliãtes cõfortantes et abbettantes p̄d' T.W. ad felloñ p̄d' in forma pręd' faciend' vi & armis & contra pacẽ dict' dñi Regis, Et quod præd' R.B. N.B. I.H. I.M. et R.C. eiſdem die Sabbati & Anno apud H. prædict' felonice fuerunt præſentes auxiliantes, abbettantes et confortantes, præd' T.W. ad feloniam præd' in forma præd' faciend' vi & armis & contra pacem dicti domini Regis &c. Et quod I.B. nuper de M. in coñ Ceſtr̄ geñ frater R.B. milit̄ iam defuncti, T.B. nuper de M. in comitatu Ceſtriæ geñ frater præd' I.H. B. nuper de M. in coñ Ceſtriæ ſeñ geñ frater præd' T.W. B. nuper de M. in coñ Ceſtriæ geñ filius præd' R.B. milit̄ iam defunct' &c. eiſdem die Sabbati et anñ apud M. p̄d' in coñ Ceſtriæ felonice fuer̄ vi auxilio, conſilio et abettamento p̄d' T.W. & R.B. ad felloniã p̄d' in forma p̄d' faciend' vi & armis & contra pacem dicti dñi Regis: Et qđ W.E. nup de E. in coñ Ceſtriæ geñ R.H. nuper de M. in coñ Ceſtriæ yeoman, I.H. nuper de ead' in coñ p̄d' yeoman &c. die lunę prox' poſt feſtum S. Michael' Archangeli Anñ regni regis R. 3. poſt cõqueſtum Angl' ſecundo apud M. in coñ p̄d' felonice aſſiſtauer̄ p̄d' receptauerunt et confortauer̄ præd' I.W. & R.B. armig', ſcientes ipſum T. et R. felloniã p̄d' in forma p̄d' felonice feciſſe vi & armis et cõtra pacem dñi regis. Item dicunt Iuratores p̄d' qđ præd' T.W. R.B. N.B. I.H. &c. poſt felloniam p̄d' factã. Die Mercurij prox' poſt feſtum ſancti Michaelis Archangeli Anno ſupradict' Regis prædict' fugerunt, et ſe eadem felonia prędict' retraxerũt a coñ Ceſtriæ vſq; villã de Whitchurch, in coñ Salloppe felonice ac vi et armis, & contra pacem domini Regis. In cuius rei teſtimonium &c.

An Indictment for keeping a bawdie houſe, and vſing of vnlawfull games.

A IVrat̄ præſentant quod N. W. de A. & I. Tayler, et E. vxor eius &c. ſunt cõmunes lupinat̄ & diuerſis diebus et vicibus ante diẽ huius inquiſicionis in domibus ſuis ſcituat̄ &c. manutenere hoſpic' lupinar̄ nec non diuerſas perſonas ſuſpect' ibidem ludentes ad luda illicita, viz. Tables, Cardes, tam in die quam in nocte poſt horas debitas et legittimas ad grauamen iuhabitãtium ibidem ac malum exemplum omnium aliorum legeorum domini Regis &c. Sect. 324.

An Indictment for keeping of euill Rule.

A IVratores præſentant, qđ W.H. de parochia ſancti Clementis in coñ Midd' et Maria vxor eius die &c. Anno &c. ac diuerſis diebus antea et poſtea hucuſq; cuſtodierũt et adhuc cuſtodiunt lupanariam, luxuriã, et fornicacionẽ p̄ omnibus hominibus et mulieribus ad talia nephãda opera diſpoſita, ac cuſtodiuut communem Dicing and carding, &c. et alia illicita ad grauamen omnium vicinorũ ibid' inhabitañ, et in malum exemplum aliorum legorum &c. contra pacem &c. Sect. 325.

An Indictment for keeping a bawdy house.

Sect. 326. IVrat̃ præsentant, quod R. M. de &c. in com̃ &c. W. H. de &c. die & anno &c. ac diuersis temporibus antea & postea apud &c. tenent custodiunt occupant & frequentant in mancionibus suis ibid' cõmunia hospitia lupinar̃ luxur̃ et fornicationem, & permittunt tam seculares quam regulares & laicos homines et alias personas suspectas non bone gestus nec fame cum meretricibus carnaliter concumbere ad magnum nocumentum totius populi domini Regis ibid' prope commoranciũ & malum exẽplum omnium aliorũ in tali casu delinquentiũ nisi citius in hac parte debitum prouideatur remedium ac contra pacem &c. A

An Indictment for slaundring of a Iurie.

Sect. 327. IVratores dant curiam intelligi. Quod cum ipsi tali die & anno apud &c. cuncti fuerant ad inquirend' & interloquend' de diuersis articulis & offensis super eorum sacramẽt pro dicto dño Rege ibi die et anno supradict' venit quidam T. P. de S. in com̃ præd' vt barrectator et pacis domini Regis perturbator, et prædict' Iuratores vili pendit et scandalizauit dicendo sic in anglicanis verbis **Fie on you false harlots papered knaues, and periured knaues**, ac alia minatoria & contumelios̃a verba eisdẽ Iurat̃ dixit in magnam redarguacionem et vilipend' Iurat̃ præd' ac retardacionem execucionis eorum iuramet̃, Et contra pacem &c. A

The words.

An Indictment against a mans wife as a common Barrator and sower of dissention amongst her neighbours, and a common scold.

Sect. 328. IVratores præsentant, quod A. E. vxor &c. de &c. in com̃ &c. non est bonæ famiæ nec conuersacionis honestæ sed male dispositionis barrectator et pacis domini Regis perturbator: Ita quod verisimile est facere murdrum homicid' lites et discord' ac alia damna & grauamina inter legeos domini Regis ibid' prætextu præmissorum, & est communis obiurgatrix et blasphematrix vicinorum suorum, & magna scandala eis ibidem imponit, ad magnum nocumentum omnium inhabitãtium villæ præd' et pernicios̃um exemplum omnium aliorum in tali statu delinquentium, & contra pacem &c. A

An Indictment for a Rape committed by a Minister, vpon a maid of 14. yeares old.

Sect. 329. IVratores præsentant, Quod T. Thorneton de &c. in com̃ &c. Clericus die & Anno &c. vi & armis, viz. gladijs baculis &c. in I. F. adtunc ętatis xiiij. annorũ apud &c. insultum fecit & corpus et ventrem præd' Io. adtunc & ibidem manibus suis felonice vulnerauit fregit et lacerauit, nec non eandem Io. cõtra voluntatem ipsius Io. adtunc & ibidem carnaliter cognouit et felonice rapuit contra pacem &c. A

An

An Indictment againſt foreſtallers of the markets within the verge.

A IVratores præſentant, Quod I. R. de &c. et R. S. &c. a die & anno &c. vſque diem capcionis huius Inquiſitionis apud C. in coñ prædict' infra virgam, ſingulare commodum ſuum & non vtilitatem reipublice indebite affectantes, blada, grana, & alia victualia quæ vſque ciuitat̃ London & villæ Weſtmoñ prædict' in coñ prædict' pro ſuſtentacione populi dicti domini Regis ibidem venerunt & venire debuiſſent per tempus præd' forſtallauerunt & regratauerunt, et indies forſtallare & regratare non deſiſtunt per quod blada grana & alia victualia multo maioris carioris & altioris prætij efficiuntur quam deberent ſi forſtallatores & regratores huiuſmodi nõ fuiſſent in dicti dñi Regis, nunc contemptum & legeorum ſuorum maxime diſpend' & grauamen, ac contra formam diuerſorum ſtatutorum in hac parte edit̃, ac contra pacem &c. Sect. 330.

An Indictment againſt a Gaoler (for enlarging of one committed to priſon) within the verge vpon ſuſpition of fellonie without warraunt.

A IVratores præſentant, quod W. H. de &c. die & Anno apud S. prædict' in coñ præd' infra virgam cepit & arreſtauit quendam R. F. nuper de &c. pro ſuſpexcione felloniæ & ipſum R. adtunc & ibidem in priſona dñi Regis ſub cuſtod' ſua pro felonia præd' per ſpacium vnius horæ detinuit: Et poſtea die & anno ſupradict̃ præd' W. H. præd' R. F. apud S. præd' in coñ præd' infra virgam felonice voluntarie & volenter ad largum ſuum ire promiſit, contra pacem &c. Sect. 331.

An Indictment againſt a mans wife, for ſtealing xx. s. in money.

A IVratores præſentant, quod I. W. vxor &c. de &c. alias dict' I. W. de E. prædict' in coñ prædict' Spinſter, die & anno &c. vi & armis &c. xx. s. in pecunijs numeratis de bonis & denarijs I. B. apud E. præd' in coñ prædict' adtunc & ibidem inuent̃ felonice furat̃ fuit cepit & aſportauit, contra pacem &c. Sect. 332.

An indictment againſt a wife, for ſtealing 60. li. in money and againſt an other as acceſſorie.

A IVratores præſentant, quod Io. W. vxor &c. alias dict' Io. W. de E. præd' in coñ præd' Spinſter, die Anno &c. lx. li. in pecunijs numerat̃ de bonis & denarijs I. B. apud E. præd' in præd' camer̃ adtunc & ibidem inuenit̃ felonice furata fuit cepit & aſportauit contra pacem &c. Et quod W. W. nuper de E. in coñ pręd' Butcher, ſciens pręfat̃ Io. W. felloniam præd' in forma præd' feciſſe eandem Io. dictis die Anno & loco felonice confortauit auxiliauit & receptauit, contra pacem dicti domini Regis &c. Sect. 333. Acceſſorie.

An Indictment for ſtealing of three mens Coates.

Sect.334. IVrat̃ p̃ſentāt quod T.S. et W.H.de &c.in coñ &c.die Anno &c.vi et armis &c.tres tunicas viriles de panno laneo coloris Tawney, ad valenc' &c.de bonis et catallis cuiuſdā hoñis ignoti apud H.in coñ Midd' adtunc et ibid' felonice furat̃ fuit cepit & aſportauit cõtra pacem &c. A

An Indictment againſt an Heretique, for vſing of words.

Sect.335. IVratores præſentant, quod T.M. de &c. eſt homo diabolicus et communis hereticus fidem Catholicam et obſeruenciā eiuſd' magnopere machinans et contemnens. Et quod ipſe tali die et Anno &c. apud p̃d' parochiani in præſentia diuerſorum ſudbitorum ac legeorum dict' dñi regis hæc verba ſcandaloſa et hereticalia, dixit, retulit, et propaliauit: Chriſt neuer died noꝛ ſhed his bloud foꝛ vs, but only foꝛ them that were in *Limbo patrum*, and as foꝛ Images in the Church they be but Idols, cum multis alijs verbis ſcandaloſis et hereticalibus in contemptu fidei catholicæ ac in pernicioſum exemplum omnium aliorum legeorum dict' domini regis ac contra pacem &c. A

An Indictment for breaking of a houſe, and taking out of a cheſt in the houſe ſeuen pounds in money.

Sect.336. IVratores præſentant, quod R.T.de &c. et I.C.de &c.tali die et anno vi & armis &c. domum T.P. apud præd' villam in coñ præd' fregit et ſeptem libras in pecunijs numeratis de bonis et denarijs præd' T.in ciſta præd' exiſtẽ adtunc et ibid' extra ciſtam præd' felonice furat̃ fuerunt ceperunt et aſportauerunt contra pacem dict' dñi regis &c. A

An Indictment for a Mayme in both the hands.

Sect.337. IVratores præſentant, quod cum H.P.de &c.tali die et Anno apud C. præd' in quodam loco vocat̃ F. fuit in pace dei et dict' dni Regis, dict' die et anno apud C. præd' in præd' loco vocat̃ F. venerunt A.B. C.D. et E.F. de &c et in dictum H.P. ibid' inſultum, vt felones dicti dñi Regis inſidiand' & ex inſultu præmeditat̃ per mandat̃ et procurationem P.P. de &c. fecerunt. Et p̃d' A.B. cũ quodā baculo ad valenc' &c. quẽ ipſe in manib⁹ ſuis adtũc et ibid' tenuit p̃d' H.P. ſup dextrã manũ ſuã adtunc et ibid' felon̄ pcuſſit et ipſum H.P. adtunc et ibid' vulnerauit et felonice mahemauit ſic quod venæ et nerui eiuſdẽ dextræ manus retract' et mortificat̃ deuenerunt per qđ præd' H. P. auxilium et potenciam dextræ manus p̃d' totaliter amiſit. Et p̃d' C.D. cum vno alio baculo ad valenc' &c. quem ipſe in manibus ſuis adtunc et ibidem tenuit, præd' H. P. ſuper ſiniſtram manum adtunc et ibidem felonice percuſſit et ipſum H. adtunc et ibidem verberauit vulnerauit et felonice mahemauit ſic quod venæ et nerui eiuſdem manus ſiniſtræ refrict̃ et mortificat̃ deuenerunt, per quod idem H. P, vim auxilium et potentiam eiuſdem ſiniſtræ manus totaliter amiſit contra pacem &c. A

An Indictment vpon the ſtatute of Anno 5.R.2.

A IVrat̃ præſentant quod cum in ſtatuto in Parliamento domini regis Richardi nuper Reg' Angliæ ſecundi apud Wẹſtm̃ Anno regni ſui quinto tent̃ edit̃ inter alia ordinat̃ ſit. Quod nullus faciat ingreſſum in aliquibus terris ſiue tenementis niſi in caſu vbi ingreſſus ei datur per legem et in illo caſu non manuforti nec multitudine gentium ſed licito et quieto modo tantum. Et ſi quis in contrarium fecerit et inde debito modo conuict' fuerit per impriſonament̃ corporis ſui puniatur, & ad voluntatem domini Regis redimatur prout in eodem ſtatuto plenius contineatur. Quidam tamen I.S. de &c. ſtatutum præd' minime ponderans nec penam in eodem content̃, die &c. Anno &c. in quoddam tenement̃ cum pertinen̄ & quatuor acras terræ cuiuſdam I.B. apud H. præd' in com̃ prædict' in quo eidem Iohanni ingreſſus non datur per legem ibidem ingreſſus fuit in dicti domini Regis cõtemptum. Ac contra formam ſtatuti præd'. Sect. 338.

An information wherein the partie deſireth the good Abearing againſt one.

B DAt̃ eſt curiæ intelligi per relationem & teſtimonium I.P. T.I. & alios quod R. M. de S. in comitatu &c. eſt communis Barrectator & pacis domini Regis perturbator vocand' vicinos ſuos Theeues knaues & alia huiuſmodi ignominia necnon communis furator boſci. Ita quod veriſimile eſt murdrum, homicid' lites & diſcord' inter vicinos, ibidem indies oriri niſi citius prouideatur inde remedium ad mocionem omnium inhabitantium in villa præd' ac in malum exemplum omnium aliorum legeorum domini Regis.

An Indictment againſt one for keeping of vagabonds, whores, and idle lewde ſuſpected perſons, and euill rule in his houſe.

A IVrat̃ præſentant quod T. E. de &c. in domo ſuo continue recepit hoſpitat et ſupportat vagabond' meretrices, et alios diuerſos homines ocioſos ſuſpect' & male conuerſacionis. Et continue cuſtod' malam regulam et gubernacionem in domo ſua ad graue nocument̃ & perturbacionem omnium vicinorum ſuorum ac contra formam diuerſorum ſtatut̃ &c. ac contra pacem &c. Sect. 339.

An Indictment for breaking of a cloſe, and driuing away of cattell out of the cloſe.

A IVrat̃ p̃ſentant qd̃ T.S. de &c. die et ann̄ &c. vi & armis &c. clauſum I. D. apud H. p̃d' fregerunt & intrauerunt & aueria ipſius I.D. adtunc & ibid' depaſcat̃ ceperũt & abinde fugauerunt contra pacem &c. Sect. 340.

An Indictment of Treſpas for breaking of a cloſe, and eating of the graſſe with cattell.

A INquiratur &c. Si A. B. & C. D. de &c. die & Anno &c. vi & armis &c. clauſum E.F. apud W. prædict' in com̃ prædict' fregerunt Sect. 341.

& intrauerunt et herbam ſuam adtunc et ibidem cum quibuſdam auerijs ſuis, viz. equis vaccis & bobus depaſcat̃ fuerunt conculcauerunt et conſumpſerunt contra pacem &c.

An Indictment for breaking into a cloſe, and treading downe the graſſe.

Sect. 342. INquiratur &c. Si A. B. de &c. die et Anno &c. vi & armis &c. clauſum D. E. apud C. prædict' in com̃ prædict' fregit et intrauit et herbam ſuam ibidem ad valenc' &c. pedibus ambulaud' conculcauit et conſumpſit. Et alia enormia &c. ad graue dampnum &c. et contra pacem &c. A

An Indictment for breaking of a Cloſe, and cutting downe of trees and vnderwoods.

Sect. 343. IVratores præſentant, quod A. B. nuper de C. in com̃ &c. die et Anno &c. vi et armis &c. clauſum D. E. apud C. prædict' in ceñ prædict̃ fregit, et intrauit, et arbores, et ſuboſcos ſuos ad valenc' &c. ibid' nuper creſceñ ſuccidit et aſportauit ad graue damnum &c. ac contra pacem dicti domini Regis &c. A

An Indictment for taking of a Cade of ſprats by extorcion, without any warrant or cauſe ſo to do.

Sect. 344. INquiratur &c. Si W. B. de &c. tali die et anno apud S. prædict' in contemptu domini Regis et per extorcionem arreſtauit et abduxit bona & catalla cuiuſdam T. H. viz. quandam cadam, vocat̃ a Cade of Sprattes, ad valenc' &c. de bonis et catallis ipſius T. apud S. prædict' adtunc et ibidem inuent̃ abſque warr̃ ſeu cauſa rationabili cepit et aſportauit in contemptum dicti Domini Regis, ac contra formam ſtatut̃ &c. A

An Indictment for not repairing the pauement of a high way, which ought to be repaired by a Biſhop.

Sect. 345. IVratores præſentant, quod pars regiæ viæ apud S. in com̃ prædict' in quantitate viginti pedum iaceñ et exiſteñ ex oppoſito certis terris ſiue tenementis domini Epiſcopi Ceſtriæ ibidem eſt ruinoſa pro defectu reparacionis pauiament̃ ibid' ad graue et cõmune nocument̃ populi dñi Regis. Et qd̃ pred' Epiſcopus debet facere et reparare pred' pauiament̃ ex ſuis proprijs expenſ. et iuxta formam ſtatuti &c. A

An Indictment againſt the Prior of S. Iohns Ieruſalem, and the Maſter of the Sauoy, for ſtopping of a common Sewer.

Sect. 346. IVratores præſentant, pro dño Rege quod Prior hoſpitalis ſancti Iohannis Ieruſalem, et magiſtre hoſpitalis de Sauoy, obſtupant et quilibet eorum obſtupat curſam aquæ de le common Sewer, apud S. præd' in com̃ pred' quod debet et a tempore quo non extat memoria conſueuit hãbere curſum et recurſum ſuum a terra præd' Prioris vſque ad terram præd' magiſtri hoſpitalis de Sauoy præd' & ab inde vſque ad Thameſin: A

meſin: ita qđ pro defectu huiuſmodi curſus aquæ ibidem non poteſt fluere neq; refluere ſed in tempore pluuiali præd' regiam viam ſepe ſuperfluit pro defectu mundacionis eiuſdem, ad graue & commune nocumentum populi domini Regis &c.

An Indictment againſt a Biſhop and Churchwardens for not repayring of a ruinous and broken Bridge.

A IVratores præſentant &c. quod communis pons apud Strond' &c. adeo ruinoſus & contractus exiſtit pro defectu reparacionis eiuſdem pontis quod homines per præd' pontē itinerantes abſque magno periculo non poſſunt itinerare ad graue et cōmune nocumētum populi domini regis: Et quod dñus Epiſcopus Ceſtriæ et gardiani eccleſiæ parochialis beatæ Mariæ virginis de S. præd' pro tempore exiſtētes debent reparare, ſuſtentare et manutenere, et quilibet eorum pro parte ſua debet reparare ſuſtentare et manutenere prædict' pontem ex ſuis propriis cuſtagijs, et expenſ. viz, præd' epiſcopus ex parte occidentali eiuſdem pontis et præfat' gardiani ex parte orientali. Sect. 347.

An Indictment, for ſtopping and encloſing the Kings high way with hedge and diche.

A IVratores præſentant, quod A.B. de &c. vj. die Aprilis &c. vi et armis &c. regiam viam apud &c. tam foſſat' quam ſæpi iniuſte obſtupauit et incluſit: Quæ quidem via iacet in vico vocat' &c. et extendit ſe vſque regiam viam apud hoſpitalem ſancti Cornelij, ita quod homines neque pedeſtres, neq; equeſtres per prędict' viam pertranſire poſſint. Et quod prędicta via debet et a tempore quo non extat memoria ſolebat eſſe cōmunis via quouſq; A.B. illam in forma præd' feciſſet contra pacē &c. ad graue dampnū et cōmune nocumentū legeorum dicti dñi Regis. Sect. 348.

An Indictment for killing of one in his owne defence taken ſuper viſum corporis.

A INquiſicio capt' apud D. in com pręd' die et anno &c. coram R.T. vno coronat' dicti dñi Regis in com præd' de et ſuper viſum corporis A. B. de C. in com præd' yeoman, ibidem iacēn interfecti ac mortui, eiuſdem A. B. per ſacramentum xij. Qui dicunt ſuper ſacramentum ſuum, quod vbi quidam I. G. nuper de &c. in com prædict' Huſband, fuit in pace dei et dicti domini Regis nunc apud C. prædict' quarto die Maij Anno &c. circa horam quartam poſt meridiem eiuſdem diei venit prædict' A. B. ex malitia ſua præcogitata et in ipſum I. G. adtunc et ibidem inſultum fecit et ipſum ibidem verberaſſe et interfeciſſe voluit continuand' inſultum illum a domo cuiuſdam T.B. in C. prædict' vſq; quendam locum vocat' &c. in prædict'. Et idem I. G. videns ipſum A. B. tam malitioſe diſpoſit' fugit vſque quendam murum in dicto loco vocat' B. quem murum ob metum mortis ſuæ euadere non potuit, ſicq; idem I. G. in ſaluationem vitæ eius erga præfat' A. B. remanebat ad Sect. 349.

se defend' erga ipsum A. B. & cum quodam cultello vocat' A wood knife, prætij &c. quæ tunc tenuit in manibus suis in defensu sua eundem A.B. super sinistrum partem capitis sui percussit, dando eidem A. B. tunc et ibidem quendam ictum vnde idem A. B. languebat vsque horam decimam in nocte prædict' diei, qua nocte idem A.B. obijt. Et sic idem I.G. ipsum A. B. adtunc et ibidem se defendend' interfecit. In cuius rei testimonium &c.

An Inquisition taken before a Coroner of the death of a man which was slaine by one Se defendendo.

Sect. 350. DIcunt super sacramentum suum quod accidit die anno et hora infrascript' apud Westm infracontent' quod contencio exorta fuit inter infranominat' &c. verbis contumelijosis & opproprijs ex parte ipsius W. motis: Ita quod idem W. vi et armis in prædictum W. R. tunc ibidem insultum fecit, et ipsum ibidē verberauit vulnerauit & ipsum interfeciſſe voluisset super quo idem W.R. ab ipso W. in quantum potuit se extraxit et vsque quandam sæpem ex parte boreali cuiusdam campi ibidem fugit, vltra quam nullo modo euadere potuit, et ex ea causa idem W. R. vlterius non potuit fugere absque periculo mortis. Et prædict' R.W. eundem W. R. velociter et furiose insequutus fuit ad ipsum interficiend' insultum prædict' malitiose continuand'. Super quo idem W. R. percipiens se nullo modo viuum inde euadere posse nisi si melius defenderet ad prædict' R.W. se reuertebat, et eundem R.W. cum baculo infrascript' super caput suum percussit et dedit ei plagam infra script' seipsum W. R. legittime defendend' vnde idem R. W. instanter obijt. Et sic idem Iuratores dicunt quod prædict' W. R. non interfecit prædict' R. W. felonice nec ex malitia præcogitat' sed seipsum defendendo vt ipse qui mortem suam propriam alias euadere non potuit. Et quod idem W. R. nulla habet bona nec cātalla. A

An indictment for a riotous rescusse of cattell, taken dammage fesaunce.

Sect. 351. IVratores præsentant quod cum R. B. tali die et anno &c. legittime fuit possessionat' de & in manerio de H. cum pertinent' in W. in com &c. idem R. eisdem die & Anno apud W. prædict' in com prædict' inuen quedam aueria viz. &c. in quodam campo cōtinen per estimacionem xx. acras pasturæ, parcell' manerij in com prędict' ibidem dampnum facientes quæ quidem aueria sic tunc & ibidem dampnum facientes I. R. & quidam T. die & Anno supradictis nomine districtionis adtunc & ibidem ceperunt et vsque S. in comitatu præd' fugauerunt vbi secundum legem & consuetudinem regni Angliæ in quodam parco ibidem impercauere voluissent. Quidam tamen T. B. nuper de W. &c. T. C. &c. aggregatis eis sibi quampluribus alijs malefactoribus A

ignotis

ignotis pacis dei & dict' domini regis perturbatoribus ad numerum &c. modo guerrino arraiat vi & armis &c. die & ann̄ ſupradict' apud S. prædict' in p̄d' I.R.& T. route & riotoſe ceperunt & reſcuſſerunt, conī form̄ diuerſorum ſtatutorum in huiuſmodi caſu nuper edit̄ & prouiſ., ac contra pacem &c,

An Indictment for Maintenance in the Commonpleas,

A IVratores preſentant, quod cum in ſtatuto in parliamento domini Ed. nuper regis Angliæ tertij apud Weſtmon̄, anno regni ſui viceſimo tenī edit̄ inter cetera continetur, quod nulla perſona regni Angliæ cuiuſcunque ſtatus gradus ſeu conditionis fuerit aliquam querelam in patria nec in curia domini regis, manuteneat ſeu ſuſtineant ſub pena impriſonamenti & faciend' dicto domino Regi finem & redemptionem ad voluntatem dict' domini Regis quilibet iuxta ſtatum gradum & demerita ſua prout in eodem ſtatuto plenius apparet. Quidam tamen T. D. nuper de &c, ſtatuī præd'aut penam in eodem contenī minime ponderans, die & anno &c. quādam querelam loquele que eſt in curia dict' domini regis ad placita per billam inter quēdam M.E. vid' & I.F. ſubuic' & T.P. vic' Midd': ad quandam tranſgreſſionem eid' M.P. prefat̄ I. illat̄ vt dicitur pro parte pređ' M. in curia dict' domini Regis manutenuit & ſuſtentauit, & adhuc manutenet & ſuſtentat in dict' dominæ Reg' nunc contemptum & populi ſui graue dampnum, ac contra formam ſtatuti & ordinationis præd'. Sect' 352.

An Indictment againſt diuers, for vſing a Priſoner in Priſon for ſuſpicion of felony very hardly, thereby to compell him to accuſe one of felony falſly.

A INquiratur pro domino Rege, Si I.O. de I. in comit̄ &c. W.W. de eiſdem villa & comitatu Marchant, balliui domini Regis villæ prædict̄ R.P. de &c. cuſtos gaole domini regis villæ prædict' & I.H. de &c. ſeruiens ad clauem infra burgum ſiue libertatem villæ prædict' die et Ann̄ apud I. prædict̄ in comitatu præd', vi & armis &c. quendam W.T. priſonarium in priſona gaolæ præd' pro ſuſpicione felon̄ detent̄ receperunt ea intention̄ quod ipſi bona & catalla diuerſorum ligeorum domini regis falſiter & extorſiue & iniuſte acquiſit̄ eundem W. quibuſdam funis & cordulis per pedes de terra leuauerunt & ſeorſum per pedes ſcilicet, pedibus ſeorſum & capite deorſum pependerunt, & ipſū̄ per talem duritiam & penam ad accuſand' quendam T.B. ligeum domini regis de eo quod ipſe felonice furat̄ fuiſſet viginti libras ſterlingorum & tres annulos aureos ad valenc' xx.s. de bonis & cattallis A, C, adtunc & ibidem felonice arctauerunt & compulerunt, contra pacem domini Regis prædict' &c. Sect' 353.

An

An Indictment against one, for procuring one to commit a Burglarie and robberie in a house.

Sect' 354. IVratores presentant, Quod I.W. nuper de L.clericus, alias dict' &c. A tali die & anno &c. apud parochiam M. magni infra sanctuariam ibidem in warda de A. Londoñ, malitiose & felonice abbettauit & procurauit P.W. de &c. ad felonice frangend' & intrand' in domum W. Prioris hospitalis sancti Iohannis Ierusalem in Anglia apud Sainct Iohns Clerkenwell in prædict', comitat̃ Midd' infra prædict' hospitalem prædict' prioris ibidem, & ibidem felonice furand', capiend' & asportand' vnum Ciphum argenteū & deaurat̃ vocat̃ a goblet, prædict' Prioris ad valenc' &c. & vnam ollam argenteam parcell' deaurat̃ eiusdem Prioris ad valenc' &c. & alia bona prædict' Prioris ibidem existeñ: Quarum quidem abbettacionis & procurationis pretextu prædict' R. die &c. vi & armis &c. domum & mancionem dicti Prioris apud &c. infra hospitalem prædict' in comitatu &c. circa horam secundam in aurora & antea meridiem eiusdem diei burglariter & felonice fregit, et prædict' Ciphum de argent̃ deaurat̃ vocat̃ a goblet ad valenc' C. solid', & prædict' ollam argenteam parcell' deaurat̃ ad valenc' x.li. ac alia bona eiusdem Prioris, videlicet, duo Saltseria de argent̃ & deaurat̃ ad valenc' &c. de bonis & catallis dict' Prioris adtunc & ibidem inuent̃ felonice furat̃ fuit cepit & asportauit, contra pacem &c.

An Indictment for a Murder and felonie committed within the Verge, by one and his seruant, vpon a Serieant at Armes.

Sect' 355. INquiratur &c. Si A.B. & C.D. seruiens præd' A.B. tali die & anno A ex eorum malitia p̃cogitat̃ ac insultu & affraia p̃ eos præmeditat̃, vi & armis &c. apud L. prædict' in parochia &c, infra virgam in quendam W.P. seruientem domini Regis ad arma insult̃ & affraiam fecerunt & ipsum W.P. adtunc et ibidem vulnerauerunt, verberauerunt et male-tractauerunt, & cum quibusdam gladijs quibus in manibus eius dextris adtunc & ibidem tenuerunt prefat̃ W.P. adtunc et ibidem felonice interfecerunt et murderauerunt, contra pacem &c.

An Indictment against one for keeping of a common typling house, that he is a common barrator, and keepeth diuers suspicious persons in his house, both men, and weomen, and vagabonds, drinking and swearing, and vsing vnlawfull games: sleeping in the day and watching in the night, And for holding of an heretical opinion of our Sauiour Christes humanitie.

Sect' 356. IVratores &c. Quod A.P. de E. &c. est communis Tiplator ceruisie A & cõmunis barrectator et pacis domini regis perturbat̃ & custodit & manutenet quotidie & nocturnaliter in domo sua apud &c. diuersas per-

sonas

ſonas ſuſpect' tam homines quam mulieres et vagabund' ibidem bibentes, iurantes et ludeñ ad luda illicit, viz. apud cards and dice, in noctibus poſt horas debit & legitimas, & qui vigilant in nocte et dormiunt in die: nec non habet fidem et opinionem, contra fidem dei. Et hoc verba dixit in Anglicana tali die et anno &c. in preſencia A. B. C. D. & aliorum ligeorum dict' domini Regis: God neuer tooke fleſh nor bloud of our Lady in malum exemplum et magnum nocumentum oīum aliorum ligeorum dicti domini regis coroñ et dignitat ſuas.

An Inquiſition taken before a Coroner finding that R. H. was rowing in a Boate vpon the riuer of Seuerne, and ſuddenly fell out of the Boate and ſo was drowned.

A INquiſitio indentat capt apud Worceſter in comitat prædict' primo die Auguſti, anno regni excelentiſſime principiſſe Mariæ primo &c. coram G. H. geñ vno coronat dict' dominæ Reginæ comitatu prædict ad inquirend' qualiter & quomodo quidam Richardus Hocheckes in comitatu prædict' huſbandman, adtunc et ibidem iaceñ mortui, ad ſuam mortem deuenit per ſacramentum proborum et legalium hominum ville de W. prædict' et trium aliarum villat propinquarum, videlicet, N. B. et D. ſcilicet per ſacramentum R. L. &c. Qui dicunt quod ita accidit apud W. prædict' in comitatu prædict' xxx. die Iulij anno ſupradicto, quod prædict' R. H. fuit remigrans in Lintro vocat a boate, ſuper aquam Sabrinæ et in remigracione prædict', prædict' R. H. ex infortunio repente cecidit de eodem in aquam prędict, et merſus fuit. Et ſic dicunt quod idem R. H. ad mortem ſuam deuenit et non aliter, nec alio modo. Et quod predict' Lintrum attachiatum eſt eo quod fuit cauſa ſeu occaſio mortis ſue et appreciatur ad iiij. s. iiij. d. et remanet in cuſtod' W. H. In cuius rei teſtimonium tam ſigilla prædict' Iurat quam ſigillum prædict Coronat huic preſent Inquiſitioni indentat fuit appenſ. dat die et anno prius ſupradict. Sect' 357.

An Indictment of murder of one man taken before the Coroner againſt one that committed the Murder, and two that were preſent, maintaining procuring and ayding him in the doing thereof.

A INquiſitio indentat capt apud W. in comitatu prædict' ſecundo die &c. Anno &c. coram G. H. generoſ. vno Coronatorum dictæ dominæ Reginæ comit prædict' ſuper viſum corporis cuiuſdam R. D. apud W. felonice interfecit adtunc et ibidem mortui iaceñ per ſacramentum proborum et legalium hominum de W. prædict' et trium aliarum villat propinquarum, videlicet &c. ad inquirend' qualiter et quomodo præ- Sect' 358.

prædict' R.D. ad mortem ſuam deuenit, viz. per ſacramentum &c. Qui dicunt ſupe ſacramentum ſuum per præd' A.B.C. prolocutores eorum, quod vbi p̄d' R.D. fuit in pace dei & dictæ dominæ Reginæ in regia via ambulans inter Caſtum Pulderbach & Wrentnall in coñ præd' xx. die Auguſti, anno ſupradictis circa horam ſeptimam poſt meridiem eiuſdē diei, ibi venit R.A. de W. præd' in coñ præd' Labourer, vt felo dictæ dominæ Reginæ, contra pacē eiuſdem dominæ Reginñ coronam & dignitat̄ ſuas die, anno hora & loco prædict' ex malitia & male propoſit̄ ſuo precogitat̄ in inſidijs iacuit, ea intencione ad murdrand' & interficiend' præfat̄ R.D. ac in prefatum R. tunc & ibidem inſultum fecit, & eundem R. cum quodam baculo vocat' a piked ſtaffe, pretij &c. quem in manibus ſuis tenuit ſuper occiput capitis ſui felonice percuſſit dans ei plagā mortalem: de qua quidem plaga mortali idem R. a prædict' xx. die Auguſti, anno ſupradict' vſque ſecundum diem Septembris tunc proxime ſequeñ languebat & moriebatur. Et ſic dicunt quod prædict' Roulādus prefatum R.D. adtunc & ibidem voluntarie & felonice murdranit & interfecit, et quod habuit in bonis nihil, dicuntque inſuper, Quod quidam R.A. de W. in comitatu prædict̄ huſbandman, & T.W. de W. p̄d' in coñ prædict' Butcher, die anno hora & loco præd' perſonaliter intereſſent manutenentes procurantes & auxiliantes prefat' Row. A. ad feloniam et murdrum felonice in forma prædict' perpetrand' & perficiend'. Et quod præd' R.A. habuit in bonis & catallis ad valenc' &c. et remanet in manibus A.A. vxoris eius, et quod prædict' T.W. nihil habuit in bonis & catallis ad preſens.

An Inquiſition taken before the Coroner, finding that W.V. hanged himſelfe in a Wood in his girdle.

Sect' 359. INquiſitio indentat̄ capt̄ apud A. in coñ præd' die et anno &c. coram G.H. geñ vno Coronat̄ dict' dominæ Reginę coñ præd' ſuper viſum corporis cuiuſdam W.V. adtunc et ibidem mortui iaceñ per ſacramentum broborum et legalium hominum villat̄ de A. præd' et trium aliarū villat' propinquarum, viz. W.H. et M. ad inquirend' qualiter et quomodo idem W. ad mortem ſuam deuenit, viz. per ſacramentum &c. Qui triat' elect' onerat' et iurat' ad veritat' de premiſſis dicend' per præd' A.B.C. eorum prolocutores dicunt ſuper eorum Saeramentum quod prędict' W.V. xx. die &c. anno ſupradicto in quodam boſco iuxta Acton præd' vocat̄ Hannays wood, circa horam quartam poſt meridiem eiuſdem diei felonice, vt felo dict' dominæ Reginæ die anno hora & loco prædict' deum pre oculis non habens ſed inſtigatione diabolica ſeducta cum quadam zona de Correo vocat' a leatherne girdle, pretij &c. ſe ſuſpendit, interfecit, & murderauit. Et ſic dicunt quod prædict' W. ad mortem ſuam deuenit & non aliter, & primi inuentores eius fuerunt T.V. A

& I.W.pleg'eorum I.H.& T.H.coram Iuſticiarijs itinerantibus cum ad ptes illas venerint, & habuit in bonis ad valenc' vij.li.vj.s.viij.d̄. viz. in manib⁹ I.V.de A.p̄d'&c.6.s.8.d̄.in manib⁹ R.M.&c.x.s.&c.In cui⁹&c.

An Inquiſition taken before a Coroner, finding that one was murdred vpon a heath by one vnknowne.

A INquiſitio indentat̄ capt̄ apud W. in comitatu præd' die & anno &c. coram G.H.vno Coron̄ dict̄æ dn̄æ Reg' com̄ præd' ſuper viſum corporis cuiuſdam N.H.de L.alit̄ in comit̄ Ceſtriæ, apud Prees heath,infra dominium de W.in com̄ præd' felonice interfect' adtunc & ibidem mortui iacen̄ per ſacrament̄ proborum & legalium hominum villat̄ de W. præd' ac trium aliarum villat̄ propinquarum viz. &c. ad inquirend' qualiter & quomodo præd' N.ad mortem ſuam deuenit per ſacramentum &c.Qui electi iurat̄ & onerat̄ per prædict' A.et B. eorum prolocutores dicunt: Quod vbi præd'N.fuit in pace dei & dict' dominæ Reginæ apud Prees heath,præd' in com̄ prædict' die, & anno ſupradict' circa horam tertiam poſt meridiem eiuſdem diei ibi tunc venit quidam homo adhuc ignotus,felonice vt felo eiuſdem dominæ Reginæ per regiam viam ibidem ex malitia & malo propoſito ſuo precogitat̄ in inſidijs iacuit & in prefat̄ N. adtunc et ibidem inſultum fecit, ac cum quodam baculo vocat̄ a piked ſtaffe,pretij &c. quem ipſe adtunc & ibidem in manibus ſuis tenuit,prefat̄ N. ſuper verticem capitis ſui felonice percuſſit dans ei plagam mortalem vnde cecidit ad terram:ratione cuius idem N. a prædict' die anno & hora languebat vſque xxiiij. diem &c. tunc proxim̄ ſequent̄, & ſic tunc & ibidem de prædict' plaga mortali moriebatur. Sect' 360.

An Indictment before the Coroner for killing and robbing of one by the highway,and flying thereupon, and a Towne Amerced for not apprehending the Felon.

A INquiſitio indentat̄ capt̄ apud B.in com̄ prædict' in quodam loco ibidem vocat̄ Lawles croſſe, 4. die Decembris anno &c.coram W.W. gen̄,vno Coronat' dict̄æ dominæ Reginæ comitat̄ præd' ſuper viſum corporis eiuſdem I.W.nuper de L. &c. adtunc et ibidem iacen̄ mortui per ſacramentum bonorum et legalium hominum villat̄ de Buyldas p̄dict', et trium aliarum villat̄ propinquarum viz.&c. ad inquirend' qualiter et quomodo prædict' I.W. ad mortem ſuam deuenit viz.per ſacramentum &c.qui dicunt ſuper ſacramentum ſuum per A,B,C. prolocutores,quod vbi prædict' I.W. 2.die &c.anno ſupradicto fuit in pace dei et dict̄æ dominæ Reginæ equitans inter villas de Wenlocke magna, et Buildas magna præd'in com̄ præd',ſic accidit circa horam vndecimam ante meridiem eiuſdem diei.Quod quidam T.L. nuper de H. in comit̄ Sect' 361.

præ-

prædict' Seruingman, deum pre oculis non habens ex malitia & male
propoſit ſuis precogitat apud Lawles Croſſe præd' in com præd' in in-
ſidijs iacuit. Ea intencione ad murdrand' et interficiend' præfat I. W. Ac
præd' T. L. ex prędict' mallitia ſua precogitata, vi et armis &c. in præfa-
tum I. W. adtunc et ibidem inſultum fecit, et ipſum I. W. ab equo ſuo
ſuper quem idem Io. tunc equitauit in terram deiecit et collum ipſius
Iohannis adtunc et ibidem, vi et manuforti torſit et fregit vnde idem I.
W. adtunc et ibidem inſtanter obijt. Et ſic prefat T. L. prefat I. W. die
anno hora et loco ſupradict' (vt predicitur) voluntarie et felonice mur-
drauit et interfecit: Et vlterius dicunt Iuratores præd' quod præfat T.
L. immediate poſt felon et murdrum prædict' in forma præd' perpetrat
adtunc et ibidem vnam crumenam Coriam pretij iij. d. et xl. s. in num-
mis numeratis in dicta crumena tunc exiſtentibus de bonis et catallis
ipſius Io. dum vixit adtunc et ibidem a corpore ipſius I. felonice cepit.
Et ſuper inde idem T. L. per defectum et negligentiam inhabitanc' vil-
lat de Buyldas prædict' fugam fecit tunc minime reprehenſus exiſten
pro murdro et felonia prædict. Ideo amerciatur prædict' villat de B.
prædict' ad C. s. pro huiuſmodi eſcap ſecundum formam ſtatuti in hu-
iuſmodi caſu edit et prouiſi. Et dicunt etiam Iurat prædict' ſuper ſa-
cramentum quod prædict' T. L. præd' ſecund' die Sept. anno ſupradict'
ſeu vnquam poſtea nulla habuit bona neque catalla terras nec tenta in
com præd'. In cuius &c.

An Inquiſition before a Coroner, where it is found that a woman killed her ſelfe with a knife.

Sect' 362. INquiſitio indentat capt apud A. in comitatu prædict' die anno &c. A
coram I. A. vno Coronat eiuſdem domini Regis ſuper viſum cor-
poris K. vxor G. S. adtunc et ibidem mortui iacentis per ſacramentum
proborum et legalium hominum de A. prædict' et trium villat propin-
quarum viz. &c. ad inquirend' qualiter et quomodo eadem K. ad mor-
tem ſuam deuenit, videlicet per ſacrament &c. Qui elect' iurat & tri-
at ad veritatem inde dicend', per prædict' A. B. eorum prolocutor di-
cunt ſuper ſacrament ſuum, Quod prædict K. deum non habens pre
oculis ſuis ſed inſtigatione diabolica ſeduct die &c. anno &c. apud W.
in comitatu prædict' cum quodam cultello pretij iij. denar ſeipſam fe-
lonice percuſſit dextra parte gutturis ſue ad profunditatem decem pol-
licium inde eadem K. languebat ab eodem die vſque ad diem &c. ex-
tunc proxim ſequen et moriebatur. Et ſic dicunt quod eadem K. ad
mortem ſuam deuenit et non aliter et nihil habuit in bonis. In cuius rei
teſtimonium &c.

An

An Indictment of one in London for coosening of Clothiers.

A IVratores pro domina Regina presentant, Quod S.S. nuper de Lon- Sect' 363.
doñ, mercator scissor est persona valde mali nominis fame et conuersationis inhonestæ, communis deceptor et defraudator subditorum dictæ dominæ Reginæ. Et quod ipse 30. die &c. anno &c. tricesimo apud Londoñ, videlicet, in parochia sancti Laurentij in veteri Iudaismo in warda de Cheape Londoñ, prædict̃ in diuersis alijs locis et diebus infra ciuitatem prædict̃ tam antea quam postea, quendam Radulphum Wyat de Ciuitat' Wigorñ Clothier, et multos alios fideles subditos dictæ dominæ Reginæ decipit et defraudauit et per fraudem, astuciam, et deceptionem Anglice by cosenage, diuersos pannos laneos voc̃ Broad clothes, tam de prædict̃ Radulpho Wyat quam de diuersis pauperationem subditorum dictæ dominæ Reginæ nunc, & in contemptum dictæ dominæ Regiñ, et in pessimum ac alijs dictæ dominæ Reginæ subditis perquisiuit habuit et percepit in de pernicios̃imũ exemplum omnium aliorum ligeorum subditorum dict̃ dominæ Reginæ in huiusmodi casu delinqueñ, et contra pac̃ dictæ dominę Reginæ Coronam et dignitatem suas: Nec non contra formam statuti in hũdi casu editi & prouisi,

Concordat cum Recordo,

An Indictment against William Hacket, for treason and conspiracie, viz. for practising the depriuation of the Queene, and for traiterous wordes against her, and for defacing of her armes &c. translated into English out of the very Indictment it selfe.

A THe Iury do present for the Queene, that Wi. Hacket late of Dun- Sect' 364.
del in the County of Northhampton yeoman, as a false traitor against the most excellent and christian Princesse, our soueraigne Ladie Eliz. &c. his naturall & soueraigne liege Lady, hauing not ỹ feare of God in his heart, nor weighing his due allegeance, but seduced by the instigation of the deuill, malitiously, and traiterously, compassing, imagining, deuising and intending the depriuation and deposing of our said Soueraigne Lady Elizabeth, from her honor and royall name of the imperiall Crowne of this Realme of England, on the xxi. day of July in the three and thirteth yere of the Raigne of our Soueraigne Lady Elizabeth, nowe Queene of England, at London, that is to say, in the parish of Saint Brides, in the warde of Faringdon extra London, and diuerse other daies and times betwixt the twelfth of Februarie last past, and the the fiue and twenteth day of Julie in the said three and thirteth yeere of her Maiesties Raigne, as wel in the Parish and ward aforesaide, as elsewhere in London aforesaid, of his owne peruerse and traiterous minde, and imagination, maliciously, expressely, aduis-

aduisedly, directly, and traiterously in the presence and hearing of sundry faithfull Subiects of our said Soueraigne Ladie, these false malitious and traiterous English wordes following, concerning our sayd soueraigne Lady the Queenes Maiestie, falsly, malitiously, aduisedly, expressly, directly, and traiterously said, rehearsed, published, and spoke viz. That the Queenes Maiestie (meaning thereby our said soueraigne Queene Elizabeth,) did representent all Hypocrisie, and had forfaited her Crowne, and was worthie to be depriued, and that he had bin of that opinion these 4. yeres, and that he defaced her Armes in Kaies house thereby, meaning the house of one Ralphe Kaies, scituate and being in Knight-rider-streete, in the Parish of saint Gregorie neere Paules, in the Ward of Baynards Castle L. to take away her whole power of her authoritie, and was mooued thereunto by the Spirit, & that he neither was, nor is sorie therefore to the great scandall and derogation of the Person and Royaltie of our said Soueraigne Lady the Queene, and to the subuersion of the state of this Realme of England, and contrary to the forme of a Statute in this case made and prouided, & also against the peace of our said soueraigne Lady, her Crowne and dignities &c.

Another Indictment against the said W. Hacket, for practising the deposition and death of the Queene for stirring sedition in the Realme, for rasing of the Queens Armes, and her picture, and for thrusting an Iron instrument into that part of the picture that represented the breast & hart of the Queene: And that he treated with two others for the bringing to passe of their purposes, And for traiterous wordes vttered against the Queene, translated into English out of the very Indictment it selfe.

Sect. 365.

THe Iurie present for the Queene, That W. Hacket late of Dundel in the County of Northhampton yeoman, as a false traitor against the most excellent and christian Princesse, our soueraigne Ladie Elizabeth by the grace of God of England &c. hauing not the feare of God in his heart, nor weighing his due allegeance, but seduced by the instigation of the deuill, and intending wholy to withdraw, put out, and extinguish the hartie loue, & the true, and due obedience, which a true and faithful subiect of the Queenes should beare, and by the Law is bound to beare towards our said soueraigne Ladie the Queene, The first day of July in the 33. yere of the raigne of the said Queene, at London in the parish of saint Gregorie neere Paules, in the Ward of Castle Baynard London, falsely, malitiously, and traiterously, intended, imagined, went about, and compassed the said Queene his soueraigne and naturall liege Lady, not onely from her Royall state, title, power, and gouernement of this Realme of England, vtterly to deprriue, depose, cast downe A

and

and diſherite, but alſo to bring and put the ſaid Queenes Maieſtie to death and finall deſtruction, and ſedicion in the ſaid Realme of England to rayſe vp, leuie and make, and alſo wholly to ſubuert and deſtroy the ſtate of this whole common wealth being in and throughout euery parte thereof well conſtituted and ordered: And to thentent he might fulfill and bring to paſſe thoſe his aforeſaid traiterous purpoſes, imaginacions, compaſſings and entents: The ſaid William Hacket afterward, that is to ſay, the firſt day of July, in the 33. yeare of the raigne of the Queenes Maieſtie that now is, did come to the manſion houſe of one Raph Kaies ſcituate and being in Knightrider ſtreete in the ſaid pariſh of S. Gregories in the warde aforeſaid, and then and there malliciouſly, diueliſhly, and traiterouſly, raſed, and defaced, the Armes of the Queenes Maieſtie, then and there in the ſaid houſe being, with this entent traiterouſly to take away, put downe and ouerthrowe the power of authoritie of the ſaid Queene: And that the ſaid William Hacket for further accompliſhing and effecting of his ſaid traiterous purpoſes, imaginacions, compaſſings, and entents the ſaid firſt day of July, in the ſaid 33. yeare of her Maieſties raigne, in the houſe of the ſaid Ralph Kaies, ſcituate in the pariſh and ward aforeſaid, did traiterouſly raze, a certaine picture of the Queenes Maieſties, then and there in the ſaid houſe likewiſe being: And then and there did malitiouſly and traiterouſly put in, and thruſt an yron inſtrument into that part of the ſaid picture that did repreſent the breaſt and heart of the Queenes Maieſtie. And afterward, that is to ſay, on the xvi. day of July in the 33. yeare of the raigne of the Queenes Maieſtie that now is, the ſaid William Hacket traiterouſly came to the houſe of one John Walker, ſcituate and being in the pariſh of S. Marie Somerſets, in the ward of Queenehith in London aforeſaid with entent traiterouſly to conferre and treat with one Edmond Coppinger gentelman, and Henry Arthington gentleman, cõcerning his traiterous purpoſes imaginacions compaſſings and entents aforeſaid: And that the ſaid William Hacket afterward, that is to ſay on the xvi. day of July, in the 33. yeare of the raigne of the Queenes Maieſtie that now is, at London aforeſaid in the houſe of the ſaid John Walker in the aforeſaid pariſh of S. Mary Somerſet in the ſaid ward of Queenehith in London, of his owne peruerſe and trayterous mind and imaginacion, malitiouſly, aduiſedly, expreſly and traiterouſly, did treate and had cõference with the ſaid Edmond Coppinger, & Henry Arthington, by what waies, meanes, and manner, the ſaid traiterous purpoſes, imaginations, compaſſings, and entents might be accompliſhed and brought to paſſe. And thereupon the ſaid xvi. day of July, in the ſaid 33 yeare in the ſaid houſe of John Walker aforeſaid, ſcituate and being in the ſaid pariſh of S.

Marie Somersets in the said ward of Queenehith London, in the pre-
sence and hearing of the said Edmond Coppinger, and Henrie Arthing-
ton being then and there in the said house, the said Hacket, these false
traiterous English words following of our said Soueraigne Queene
Elizabeth, falsly, malitiously, aduisedly, expressly, directly, and trayte-
rously said, rehearsed, published and spoke, viz. That the Queenes Ma-
iestie (meaning our said soueraigne Lady Queene Elizabeth) had for-
faited her crowne and was worthie to be depriued. And that further-
more the said William Hacket thereupon the said xvi. day of Julie in
the said 33. yeare, in the said house of John Walker, scituate in the pa-
rish of S. Marie Somersets, in the said ward of Queenehith London,
malitiously and traiterously moued and stirred vp the said Edmond
Coppinger, and Henrie Arthington, traiterously and openly to declare
and publish in London aforesaid, that the Queenes Maiestie that now
is, had forfaited her Crowne, to the great offence and derrogation of
the person of the Queenes Maiestie, and to the subuersion of the state
of this Realme of England, and contrarie to the peace of our said soue-
raigne Lady, her Crowne and dignities &c.

An Indictment of Recusancie vpon the Statute of
1. and 23. Elizab.

Sect. 366. IVratores præsentant, pro domina Regina quod I. S. nuper de paro- A
chia sanctę Margaretæ in Westmõ in comñ Midd' armiger, Qui xx.
die Septemb. Anno regni Reginæ Eliz. &c. quadragesimo primo fuit
ætatis sexdecem annorum & vltra non accessit Anglice did not repaire
ecclesiæ suæ parochiali de parochia sanctæ Margaretæ in Westmñ pd'
in comñ Midd' prędꝰ, nec alicui aliæ ecclesiæ capelli aut vsuali loco com-
munis præcacionis nec ibid' fuit tempore communis prędcacionis ad ali-
quod tempus infra sex menses proximñ sequeñ præd' xx. diem Septem-
bris Anno xlj. supradicto, sed abstinuit ab eisdē Anglice hath forborne
the same, a præd' xx. die Septembris Anno xlj supradicto per prædict'
spatium præd' sex mensium extunc proximñ sequeñ cõtra tenorem cu-
iusdam Statut apud Westmoñ in comñ Midd': Anno regni dictæ do-
minæ Reginæ nunc primo, pro vniformitate cõmunis præcacionis ac
contra formã statuti Annñ regni dict' dñæ reginæ nunc 23. in hñi casu
edit & prouis. in dictæ dominæ Reginæ nunc & legum suarum con-
temptum manifestum, nec non contra pacem dictæ dominæ Reginæ
nunc coroñ & dignitat suas &c.

Memorand, that the course is that the partie indicted must ap-
peare in proper person & plead to the Indictment.

A plea to the Indictment next before.

Et prædict' I. S. in propria persona sua venit & defendit totum & B
Midd' ss. quicquid contra pacem & in contemptu Dominæ Reginæ nunc aut
legum

legum ſuarum ſuperius fieri ſuppoſit. Et proteſtand' quod Indictamenꝫ præd' verſ. eum exhibit minus ſufficien in lege exiſtit ad qd ipſe neceſſe non habet nec per legem terræ tenetur reſpõdere: Pro placito tamen idem I.S. vlterius dicit quod de præd' non acceſſu alicui Eccleſiæ capellæ aut vſuali loco communis precacionis aut de abſtencione inde contra formam Statuꝫ præd' in indictamenꝫ pred' ſpecificaꝫ vel de aliqua alia tranſgreſſione offenſ, aut contemptꝫ in Indictamenꝫ prædict' ſuperius ſupponitꝫ, quod ipſe in nullo eſt inde culpabilis. Et de hoc ponit ſe ſuper patriam &c. Et Henricus Fermor genꝫ qui pro domina Regina in hac parte ſequitur ſimiliter, Ideo venꝫ inde iuraꝫ &c.

The Venire facias *for the retourning of a Iurie, to trie the cauſe betwixt the Queene and the partie Indicted.*

C Elizabeth dei gratia Angliæ Franciæ & Hyberniæ Regina fidei defenſor &c. vic' Midd' ſalutem: Præcipimus tibi quod non omittas propter aliquam libertatem in Balliua tua quin Venire facias coram N. M. maiore ciuitaꝫ noſtræ London, & ſocijs ſuis Iuſticiaꝫ noſtris ad gaolam noſtram de Newgate de priſonarijs in eadem exiſtenꝫ deliuerand' aſſignꝫ apud Iuſtice hall in le old Baylie, die veneris ſcilicet xiij. die Iunij proximꝫ futurꝫ ad horam primam poſt meridiem eiuſdem diei viginti, & quatuor liberos & legales homines de viſnetꝫ ſanctæ Margaretæ in Weſtmonaſterꝫ in comitatu noſtro Middelſexiæ: ad recognꝫ ſuper Sacramentum ſuum, Si I. S. de parochia ſanctæ Margaretæ in Weſtmonaſterꝫ in comitatu Middleſexiæ genꝫ culpabilis ſit de quadam tranſgreſſione & contemptu vnde idem I. S. indictatus exiſtit, necnꝫ &c. Et habeas ibi tunc nomina Iuraꝫ prædictꝫ & hoc breue. Teſte præfaꝫ N. M. Maiore præd' apud Iuſtice hall, prædict' ſeptimo die Maij, Anno Regni noſtri quadrageſimo ſecundo. Midd' ſſ.

Fermor.

Execucio iſtius præceptꝫ patet in quodam pannello huic præceptꝫ annex'.

Reſponſ. { Roger Clerke / Humphred Welde } vic'.

An Indictment of Burglarie, and for hanging vp the good man of the houſe by the thumbs vpon a beame with pothookes, & for binding with coards the good man of the houſe and his wife, and for taking out of a cheſt 5. li. in money.

A IVraꝫ præſentãt, qd G.C. nuper de M. in coñ Ceſtriæ & alij ignoti xvj. die Martij Anno Regni Edwardi ſexti dei gratia Angliæ &c. Sect. 367.

quinto circa horam vndecimam in nocte eiusdem diei apud A. in com̃ C. domum cuiusdam R. W. vi & armis, viz. baculis gladijs & dagarijs burglariter ac felonice fregerunt et intrauerunt. Ea intencione ad spoliand' & depredendum præd' R. W. et in præd' R. W. ac R. W. filium suum et Io. vxor̃ eius adtunc & ibidem insultũ fecerunt, et ipsum R. W. cum quodam instrumento vocat̃ Pothookes, polices ipsius R. W. super trabem vocat̃ a beame, domus prędict' ipsum adtunc & ibidem suspenditur & præd' R. W. et Ioh. vxor̃ eius cum cordis ligauerunt et C. s in pecunijs numerat̃ in quodam cisto content̃ de bonis et catallis præd' R. W. adtunc et ibidem inuent̃ felonice ceperunt asportauerunt et spoliauerunt vi & armis, ac contra pacem dicti dñi Regis, ac contra formam statuti in huiusmodi casu edit̃ et prouis.

An order to be obserued in the right framing of Indictments.

Quis, quando, vbi, quid, cuius, quomodo, quare.

Quis. QVis, The person with his name, surname, addiciõ of the Towne, Countie, Arte, and degree.

Quando. Quando, The day and yeare.

Vbi. Vbi, The place, Towne, and Countie.

Quid. Quid, The thing taken, the coulour, the marke, the price and value.

Cuius. Cuius, The owner of the thing and whose it was.

Quomodo. Quomodo, The manner of the doing and how.

Quare. Quare, The entent which is compriſed in this word (Felonice.)

SYMBO-

SYMBOLEOGRAPHY.

Of Compromise and Arbitrements.

A Compromise defined.

A A Compromise or Submission, Arbitrium, Compromissum, Submissio, is the facultie or power of pronouncing Sentence betweene persons at controuersie, giuen to Arbitrators by the parties mutuall priuate consent, without publike authoritie, 8. E.4. 2. Sect.1.

Compromise deuided.

A Euery Compromise is generall or speciall, Dyer 217. plac. 6, 4. Eliz. Sect.2.

Compromise generall.

A A Generall Compromise is of all quarrels, actions, executions, and demandes &c. Sect.3.

Compromise speciall.

A A Speciall Compromise is euery submission to order which is not so generall, as when it is of certaine matters, facts, or things onely, as of a Trespas, or of all actions of Trespas, or of a plaint or Debt, or Detinue, &c. Sect.4.

Parts of Iudgements.

A AS of euery other iudgement, so of iudgements which grow by cõpromise, there are two parts, the persons, and the question. Sect.5.

Persons in Iudgements.

A PErsons chiefly regarded in Compromise, are the striuing parties, and the Arbitrators. Sect.6.

Persons striuing.

A The parties striuing be they, betweene whom the controuersie dependeth, and which compromit the same, Dyer 217. 4. Eliz. Sect.7.

Persons striuing 2.

A AND they must be two at the least, namely the plaintife, and the defendant of which sometime there be two, or more of a side. Sect.8.

The Plaintife.

B The Plaintife is he which moueth the question.

The Defendant,

C The Defendant is he against whom the question is moued.

What persons may compromit, and what not.

A AL persons both male and female may make compromise, but such as are prohibited by nature or by law. Sect.9.

Impediments to compromit.

Sect.10. BY nature some are prohibited to compromit through defect of the mind, and some through defect of the bodie. A

Impediments in mind naturall.

Sect.11. THrough the defect of the mind, is when either age is such that by nature they want discretion, or being at age they want it, eyther naturally, or casually: as Infants under one and twenty yeares old, 10.H.6.14. 18.E.4.2. 7.E.4.5. A

Impediments in mind casuall.

Sect.12. AND furious mad Lunatikes, during their lunacy, 12.E.4.8. and Ideots. A

Impediments in bodie.

Sect.13. DEfect of the body is such infirmity as hindreth the principall senses necessary for the atteyning of knowledge: as dumbnes, deafnes, and blindnes. A

Dumbnes and deafnes naturall and casuall.

Sect.14. AND therefore persons by nature, dumb & deaf, cannot compromit, as it seemeth, for they cannot haue understanding, neither can they graunt, Perkins Sectio 25. But persons blind, dumb, & deafe by chance, which can write and read, may well by writing compromit. A

Impediments legall, subiection, ioynt power.

Sect.15. SUch persons seeme prohibited by law to compromit, as be subiect to others power, or haue onely ioint powers with others: as bōdslaues or villeins, least the award should become void on their part, 35.E.3. A

Couerture.

Sect.16. IN like maner, women couert without their husbandes, 2. H. 5. 9.E.3.28. A

Death ciuill.

Sect.17. AND persons ciuilly dead: as Monkes, Friers, Canons, professed Nunnes, and such other votaries, which be in subiection to their Soueraignes, 14.H.8.16. 2.R.2.5. A

Compromise.

Sect.18. HEreunto may be added, men compelled to submit by threats, or imprisonment, 8.Ass.25. 7.E.4.21. for in submission the consent ought to be free. A

Attainder and Outlawrie.

Sect.19. OF this sort also are persons attainted of felony or treason, and persons outlawed or wayued in personall actions, for they haue no goods, 36.H.6.26. 16.H.6.47. 21.H.7.7. 8.E.4.4. 5.H.7.16. A

Ioint power.

Sect.20. PErsons prohibited to compromit, for that they haue onely ioynt power with others, are the single members of euery corporation A

without

without their fellow members, as a Deane without a Chapter, an Abbot without his Couent, a Maior without his Comminaltie, The master of a Colledge or Hospitall without his fellowes, and so of other societies or guilds, 21.E.4.13. And in awarde it seemeth that such persons onely may of themselues compromit, as may of themselues make good graunts.

Arbitrators defined.

A AN Arbitrator is an extraordinarie Iudge which is chosen & hath power to iudge, giuen to him by thonely mutuall consent, will, cõpromise, & election of priuate persons striuing, to thend they may decide their controuersies, 19.H.6.36. who because the controuersie is cõmitted to his pleasure, & arbitremẽt, is termed an arbitrator, & for that it is done by the mutuall promise or compromise of the parties, he is called compromissarius iudex. Dyer 536. 19.Eliz.39. Of a Iudge hauing cognizance by the compromise of the parties, his power is larger then the power of any ordinarie or other extraordinary Iudge appointed by a magistrate, for an arbitrator hath power to iudge according to the cõpromise after his owne mind aswel of the fact as of the Law, not obseruing the forme of law, but thother Iudges are tied to a prescript forme limitted to them by the Law or Magistrate, of which they be onely executors, For which cause *Tully* saieth well. Aliud est iudicium, aliud arbitrium: nam iudicium est pecuniæ certæ, arbitrium incertæ: ad iudiciũ hoc modo venimus, vt totam litem aut obtineamus aut amittamus, At arbitrium hoc modo adimus, vt neq; nihil neq; tantum quantum postulamus consequamur, whence springeth this old saying, he that putteth his coate to paying, is like to loose a quarter. Sect.21.

The choyse of Arbitrators.

A SEing then the power of arbitrators is such and so great and vncontrolable, warinesse must be vsed in the choise of them. In which two things seeme necessarie to be regarded, namely that the arbitrators be sufficient, and indifferent. Sect.22.

Sufficiency of Arbitrators considered.

A TOuching their sufficiency, such persons are to be elected, as haue sufficient skill of the matter cõpromitted, & haue neither legal nor natural impedimẽts to giue an vpright sentẽce. Natural impedimẽts, be through defect of mind or body, naturall impediments through defect of mind be infancie (for infants by reason of their tendernes of yeares, want discretion to manage themselues, & their owne affaires) madnes, and Ideocy, for they who are maymed with these blemishes are vtterly void of vnderstanding. And although I haue red some examples of sage sentences giuen by fooles, yet dare I not aduise my friends to expect alwaies the like at their hands. As this, Sect.23.

A fooles Arbitrement.

Sect. 24. That an hũgry begger espying daintie cheere in a cookes shop hasted thither, & beyng set downe, did eate a small peece of his owne bread, and incontinently, receiued such wonderful comfort, by the sweet smell, of the cookes cates and sauces, whereof he tasted no bitt, that he confessed, that his eager stomacke, was aswell satisfied therewith, and had as good a repast, as if he had indeed stuffed his paunch, with the best cheere there: which the cooke hearing, straight waies with a sterne countenance, bids the poore captife pay for his breakfast, whereat the simple guest was mightely amazed, and the craftie cooke somuch the more earnest, insomuch that this poore man, & the cooke were content therein, to abide the award of him that should next passe by, no sooner was the submission made, but thither cometh a most notorious naturall foole, to whom as their iudge, they rehearsed the matter, which beyng heard, the Ideot caused the poore man to put so much money betweene two basons as the couetouse cooke exacted, and to shake them in the cookes hearing, which done this arbitrator awarded, that as the cooke had fedd the poore man with the onely smell of his cates, so the poore man should pay him therefore, with the onely sound of his coine, which sentence was highly approued of all the hearers. A

A simple magistrates Arbitrement.

Sect. 25. NOt much vnlike to this, is that, which is reported of a couetous churle, who sorrowed extremely, for that he had lost a purse, with one & twentie angels in it. But an honest man hauing found the same, of meere conscience deliuered it to the same churle, who not once thanking him that was the bringer, fals to accompt his coine, & finding only xx. angels in the purse, with great rigour exacted the odde angell, and because the honest man denied the finding thereof, he conuented him before a Magistrate of a corporation, whose wealth and authoritie, farre exceeded his wit (as in such places commõly hapneth, for that affectiõ and simplicity, be their ordinary Electors.) The plaintife sweareth they were one and twenty angels in the purse which he lost, the defendant, that there were onely twenty in that which he found: Whereupõ the Magistrate pronoũced that the purse found was not the plaintifes, and therefore adiudged him to restore vnto the defendant the purse with twenty angels, leauing the plaintife to good fortune for the finding againe of his purse with one and twentie angels. I thinke a man may trie a thousand fooles in the like cases, before he receiue the like sentence. A

Defects of the body in Arbitrators.

Sect. 26. THe defects of the bodie hindering iudgement are infirmities, by which the principal senses necessary for the apprehension of knowledge, A

ledge, are impaired, as by deafenes, dombnes, and blindnes.

Arbitrators indifferent, who?

A AND for indifferency, it is good that the Arbitrators be void of ma- Sect' 27.
lice & fauor, to either of the parties, that they be not notorious by outlarie, excommunication, or suspected of any other notorious crime, that they be neither irreligious nor couetous: For albeit as it is said, an Arbitrator hath herein absolute power, yet ought his iudgement or sentence to be sincere and incorrupt, according to right and equitie, without malice, flatterie, and euery other vicious affection or perturbation, which may in any sort lead him awrie from the right pathe of Iustice and equitie.

Hitherto of persons regarded in submissions.

The Question.

A THe Question which conteineth the matter of tharbitrement, fol- Sect' 82.
loweth.

B The question is a thing in controuersie declared to the Iudge or Arbitraitor, to the ende it may by him be decided, Dyer fol. 216. 4. Elizab. pla. 6.

The question double.

A AND euery question is either about the fact, or about right. Sect' 29.

The question of the fact.

A A Question of the fact, is when such a fact is enquired of, as is Sect' 30.
doubtfull.

The question of right.

A THe Question of right, is when the fact being knowen, it is yet Sect' 31.
doubtfull how much is thereby growen, right and due to ech partie by Law.

What is to be considered in each question.

A AND in euery question hereupon arising, it is to be considered whe- Sect' 32.
ther the thing in question be arbitrable or no: for in vaine it is to compromit things not arbitrable. Let vs therefore see what things be arbitrable, and what not.

What things are arbitrable, and what not.

A THings and actions personall incertain are arbitrable: as trespas, Sect' 33.
a warde taken away &c. 22. H. 6. 39. 14. H. 4. 2. 4. H. 6. 17. But things certain are not arbitrable but when the submission is by specialty, if they be not ioyned with others incertain: as debt with trespas, 4. H. 6. 17. 2. H. 5. 2. 12. R. 2. Dyer 33. H. 8. fol. 51. pla. 14.

B But Chattels real or mixt, are not arbitrable by thēselues: as Charters of lands, 9. H. 6. 60. 14. H. 4. 24. if the submission be not by specialty, 19. H. 6. 3. H. 6.

Nor

Also an Annitie is not arbitrable, if the submission be not by specialty, 9.H.6.60. 14.H.4.18. 3.H.4.6. C

Nor a Freeholde, 11.H.4.12. 14.H.4.18. and 19. Et 24.54. Ed.3. 16. 12. Ass. pla. 25. 21. E.3.15. D

Nor debt vpon arrerages of Accompt before auditors, 4.H.6.17. because such debt is due by record, 3.H.4.5.6.H.4.9. E

Also it seemeth that neither such things as were not in rerum natura at the time of the submission, though they happē to be before the award made be arbitrable: as if the submission be of Ewes with lambe, which after the submission and before the award made haue lambes, it seemeth they haue no power to make any award touching the lambes. F

Matters concerning the common wealth seeme not arbitrable, as all criminall offences, as treasons, felonies, &c. touching the crime, for it is for the benefite of the common wealth, that such offendors be made knowen and punished. G

Also causes matrimoniall seeme not arbitrable, least men should seperate those whom God hath ioined together. H

Circumstances regarded in submission: First that it be in writing.

Sect' 34. NOw that we haue set foorth the persons and things necessarie in euery compromise, it is good to consider such other circumstances as be requisite in the same. A

Three things therefore beside the persons and things are meete to be obserued in euery compromise.

First that euery compromise be made by writing with the parties couenants or bonds sufficient to bind their heires & executors to performe the award which shal thereupon be made, that both the arbitrators may know their power, and the parties how farre they are subiect to their sentence. And also least their labour and iudgement therein should bee frustrate for want of meanes to compel the same to be executed.

Of the power giuen to Arbitrators.

Sect' 35. SEcondly, it is behouefull that the very Compromise arme the arbitrators with sufficient authoritie to do all things necessary for the ending of the controuersies: as to appoint times & places for their meeting, to examin & decide the matter compromitted, & to bring the parties with their proues, euidences, & witnesses thither together before them. And to punish the persons defective, & to expound & correct such doubtfull sentences & questions, as may arise vpon their award, inconuenient to either parties, contrarie to equity, and the arbitrators good meaning, which inconueniences could not by them be foreseene, at the making of the award, as it oftentimes happeth: for temporis filia veritas, trueth is the daughter of time. A

Of

Of time and place.

A THirdly, that by the compromise, conuenient time and place be limited for the yeelding vp of their award to the parties or their atturneies, deputies, or assignes, least the parties should otherwise be long lingered with vaine hope of an endlesse end, and that the arbitrators may before the set time, finish their award: for whatsoeuer they do arbitrate after the time appointed, is void. 8.H.6.f.18. Sect. 36.

And it is all void that is not conteined in the submission, or necessarily depending thereupon 7.H.6.fo.40.8.H.6.fo.18. 36.H.6.fo.11. as shal more largely appeare, whē we come to the doctrine of arbitremēts.

The instrument of compromise or submission, may be made in forme following.

A Compromise or submission with couenants to performe the same.

A THis Indenture made &c. betweene A.B. on the one partie and C. D. on the other partie. Witnesseth, that the said A.B. and C.D. do by these presents, willingly compromit and submit themselues, and either of them, to the awarde, arbitrement, order, rule, dome, and iudgement of E.F. and G.H. arbitrators indifferently named, elected, & chosen by the said parties to to arbitrate, award order, decree, and iudge, of and vpon all and all maner of actions, suites, quarels, debts, accompts, trespasses, controuersies, debates, and demaunds whatsoeuer, had, made, moued, depending, or accrewed, or which might haue bin had, or moued, betweene the said parties, at any time or times before the date hereof, except one action of debt &c. depending betweene the said parties in the Queenes Maiesties Court of common Plees, or before &c. and except one debt of x.li. due to the said A.B. by the said C.D. for the price of certeine Corne &c. and except all landes and tenements of the said A. B. and such like exceptions &c. So alwaies that the same arbitrators doe make their award, order, and iudgement of, and concerning the premisses to be made, by writing indented, vnder all their hands and Seales, on this side, and before the x. day of June now next ensuing, and one part of the same deliuer or cause to be deliuered by the said Arbitrators to the said A.B. or his certeine atturney or atturneies in that behalfe, requiring the same, the said x. day of June now next comming, at or in the Parish Church of R. in the said Countie of Yorke. And the other part of the said award to the said C.D. his atturney or atturneies, deputie, or assigne, requiring the same at the said day and place: and so alwaies, that the said arbitrators do not by the said awarde, order, or appoint any act, or acts, thing or things, to be done or performed, by, or to any person, or persons, other thē to or by the said parties to these presents, their heires, executors, administrators, or assignes, or some of them, & not to or by any estranger or estrangers to this present submission. And the said A.B. Sect. 37.

and

Comprimise and

and C.D. and either of them for themselues, their heires, executors, and administrators, and the heires, executors, & administrators of either of them, do by these presents mutually couenant, conclude, promise, and agree to and with the other his executors, and administrators, and euery of them, that neither they nor either of them, wil at any time hereafter reuoke the authority hereby giuen to the said Arbitrators, nor discharge them nor either of them of the said faculties or power of Arbitration. And that they & either of them, & the heires executors, administrators, & assignes, of either of them on their seuerall parts shall, & will well & truly obserue, performe, fulfil, and keepe al and euery clause, sentence, article, submission, and agreement in these presents mentioned on his or their part to be performed and kept according to the tenor, true intent, and meaning of the same. In witnesse whereof the said parties to these presents haue interchangeably set to their handes and Seales, the day and yere aboue written.

Of binding the parties to performe the award.

Sect' 38. OR the parties may submit themselues to awarde by obligation, A
with condition according to the effect of the said Instrument of submission, but that seemeth perilous, for that that so they may for a trifle, hazard the whole penalty of the bond, which were too too mischieuous. Neuertheless if any be willing to aduenture, the parties may be bound either to other, and the condition may bee made in forme following.

The condition of an Obligation to performe an awarde.

Sect' 39. THe condition of this Obligation is such, that if the aboue bounden A
A.B. his heires, executors, administrators, and assignes, and euery of them doe on his and on their part and behalfe, well and truely stand to, obay, performe, fulfill and keepe the award, arbitrement, order rule, dome, and iudgement of S.T. and W.R. arbitrators, indifferently elected and chosen, aswel on the part of the said A.B. on the one partie, as on the part of the aboue named C.D. on the other partie, to arbitrate, awarde, order, and iudge, of, and vpon all and all maner of actions, suites, quarrels, debts, accompts, trespasses, controuersies, debates, and demaundes whatsoeuer had, moued, depending, or accrewed, or which might haue bin had or moued, betweene the said parties at any time or times before the date hereof, except one action of Ejectione firmæ, depending betweene the said parties in the Queenes Maiesties Court commonly called the Kings bench as by the Records thereof in the same Court remayning it doth and may appeare, and except out of this submission, all lands and tenements of the said A.B. (or any like exception.) So alwaies that the same award, arbitrement, order, and

iudge-

iudgement,of, and concerning the premisses be made by writing Indented vnder all their hands and seales before the first day of December now next ensuing, and one part of the same deliuered or caused to be deliuered by the said Arbitrators,to the said A.B. or his certain Atturney or Atturneis,deputie or deputies,in that behalfe requiring the same the said first day of December,now next ensuing,at or in the parish Church of R. in the said Countie of Yorke: And the other part of the said award be likewise deliuered by the said Arbitrators, to the said C.D.or his certaine atturney or atturneis,deputie, or deputies, in that behalfe requiring the same,at the said day and place. And so that by vertue or occasion of the said award neither of the said parties, nor the seuerall heires,executors,or administrators,of them or any of them be to do any act or thing, to or by any straunger to the same award, and to these presents.And so as the said A.B.doe not discharge the said arbitrators before the said time.That then this present obligation to be vtterly voide and of none effect, or els to stande, remaine, continue, and be, in full strength and vertue.

Of the condition to performe an award of lands.

A AND if the award be cõcerning a title to land,the words in the condition may be thus.

Alwell,of, for,and concerning the right, title,interest,vse, possession and demaund,of,and in the manor of S. with the appurtenances in S. in the said countie of Y. and all landes,tenements, and hereditaments, with the appurtenances in S.aforesaid,in the occupation of the said A. B. and his assignes,as,of,and vpon all actions, trespasses, suites,quarrels,debts,duties,debates,griefes,inconueniences,and demaunds,had, moued,stirred, or depending, betweene the said parties,concerning the said Manor, tenements and premisses,or any part thereof. And also, if the said A.B.before the feast of P. now next comming, doe shew vnto the said Arbitrators, all such writings as he hath concerning the said Manor and premisses, at such time and place, as the said Arbitrators shall appoint for the sight thereof. So alwaies that, &c. vt supra. That then &c.vt supra. Sect' 40.

Whether power to arbitrate may be assigned.

A AN Arbitrait or chosen cannot graunt,or assigne ouer his aucthoritie of arbitation to any other,8.Ed.4.fol.1.and 9.because it is but a nude power, which is not to be graunted ouer: notwithstanding the opinion in 47.E.3.20.to the contrary. Neither doth the submission extend to giue the Arbitraitors power to elect others. Sect' 41.

Whe-

Whether the Compromittors may discharge the Arbitrators or no.

Sect. 42. AND it seemeth, that albeit the parties haue agreed vpon daiesmen, A
or Arbitraitors, yet before the arbitrement made, either of the parties may reuoke the authoritie giuen to the arbitrators, and discharge them thereof, for power may be countermaunded, but if the submission be made by bond, then the bond seemeth to be forfaited, 5.E.4.1. 21.H. 6.30. 28.H.6.6. 49.E.3.9.

But by Ashton Iustice, if 2. plaintifes, & one defendant, or 2. defendants and one plaintife put themselues to the award of others, neither the one plaintife without the other, nor the one defendant without the other, may discharge the arbitrators, 28.H.6.6. And by Finch. 49.E.3.9. If the submission be by deede, the discharge must likewise be by deede. So much of submissions, arming the arbitrators with power: Now of Arbitrements issuing from the same.

What an Arbitrement is.

Sect. 43. AN Arbitrement, or award therefore, arbitramentum, laudum, ar- A
bitratus, Libro intrationē, debt in arbitr 2. & 3. is nothing else but the very dome, order, and decree pronoūced by arbitrators vpon the controuersie, for the ending whereof they were chosen by the striuing parties, Dier 356.10. Eliz. pla. 39.

Of things regarded in Arbitrement.

Sect. 44. IN the forme of euery Arbitrement, fiue thinges are specially to be A
regarded.

First, that it be made according to the very submission or compromise touching the things compromitted, and euery other circumstance as is said, 9.E.4.44. Plow. 396.a

Secondly that it be a finall ende of the controuersies compromitted, 19.H.6.36. 21.Ed.4.38.

Thirdly that it appoint either party to giue or do vnto the other some B
thing beneficiall in apparance at the least, 43.E.3.28. Dier 356.19. Eliz. pla. 39. 12.H.7. 39.H.6.9. 22.E.4.25. 7.H.6.40. 19.H.6.36. 10. Hen.6.19.

Fourthly, that the performance thereof be possible, 22.H.6.46. 8.Ed. C
4.1. & 9. 17.Ed.4.5.H.7.

Fifthly, that there be a meanes how either party may by law attaine D
vnto that which is thereby awarded vnto him, 5.Ed.4. & 24. 17.Ed.4. 5. 18.Ed.4.22. & 23. 5.H.7.23.

For if it faile in any of these points, then is the whole Arbitrement E
void and of none effect, as it doth manifestly appeare by these special cases following. As.

An

F An award that the parties shall obey the arbitrement of A.B. is void, for power cannot be assigned, 8.E.4.19.

An award that any of the parties shalbe bound, or doe any other act by the aduise of the arbitraitors is not good, because they cannot make seuerall awardes, 18.Ed.4.22.23. but that the parties shall be bound, or make assurance by the aduise of Counsaile is good, 18. Edw. 4. 22.& 23.

G Arbitrement that the parties shall be nonsuit in actions is not good, for euery award ought to be a satisfaction to the parties, and a determination of things compromitted, so as one party haue amends, but when one hath bin nonsuit, he may begin againe, 19.H.6.36.21.E.4.38.

H But an award that the parties shal make discontinuance and retraxits of their suits is good, 21.E.4.38.5.H.7.22.

I If the submission be of diuers things, & the award onely of some part of them, yet it is the award good, for that part notwithstanding, as if the submission be of all actions real and personal, and the award of actions personall onely: and if it be de iure & possessione, and the award is only de possessione, 19.H.6.6. per cur, notwithstanding the contrary opinion of Prisot, 39.H.6.9.

K An award that an action shalbe sued betweene the parties, by the aduise of A. and B. is good, for that A. and B. in this case are not Arbitrators, but executors of the award, yet quere for it is vncerteine whether they will giue aduise or no. 8.E.4.1.& 4.

L Arbitrement that the plaintife shall pay to the defendant x.li. and release to him all actions. And that the defendant shall releale to the plaintife all actions, is good, 20.H.6.18.& 19.

M Arbitrement that either partie shal releale to other all actions, & that because the one hath trespassed more then the other, he shall pay to the other, x.s. is good, 20.H.6.18.& 19.

N Arbitrement that either party shall go quite against other, is good, 20.H.6.18.& 19.10.H.6.14.19.H.6.36.22.H.6.39.Dyer 356.16. Eliz.pla.39.21.H.6. that it is not good, if the submission were by parol, 9.Ed.4.8.

O An arbitrement in trespasse is not good, if it award not something to the plaintife for amends, 43.E.3.28.

P In trespasse of goods taken, it is no good award, that the defendant shall reteine part of the goods, and the plaintife haue the rest, 17.Edw. 3. 16.

Q In debt of x.li. it is no good Arbitrement, that the plaintife shall retaine the one moity, & the defendant haue the other, 45.E.3. 16.

R In trespas, award that if the defendant wil wage his Law, that he is not guiltie, that then he shall go quite, and that the plaintife shal releale vnto

vnto him, seemeth good, 46.E.3.17.

Award, that for so much as the one hath done more trespasse then the other, therefore he shall giue him a peny for amends, And that the other shall go quite against him, is good, 19.H.6.3.6. S

By Prisot, if two submit themselues to Arbitrement of all trespasses &c. and it is awarded that the one shall make amendes to the other, and nothing is awarded for the others benefit, this award is void, 7.H.6.40 39.H.6.9.22.E.4.25. So if it were that the one only shall go quite against the other, for an award must be final, obligatory and satisfactory, to both parties, 7.H.6.40. 19.H.6.36.20.H.6.18. T

Award in trespas of goods taken that the defendant shal cary and redeliuer the goods taken to the plaintife, is good, 12.H.7.14.& 15. V

Award that the one partie shall pay xx. s. or enfeoffe &c. is good, and the performance of either suffiseth, 21.H.6.22.H.6.52. X

An award that one of the parties shall do an act to an estraunger, is void, if the parties be not bound, 22.H.6.46.

Or if an award be to pay x.li. to an estraunger, it is void, for how can he pay the same, if he will not accept it, 22.H.6.46.8.E.4.1.&9. Y

Or if the award be that hee shall cause an estraunger to enfeoffe the other partie, for he hath no meane to compell the straunger, 17.E.4.5. So if it be awarded that he shalbe bound with suerties, 18.E.4.22.23. 5.H.7.23. Z

Arbitrement that money shalbe payd at a day to come is good, for the partie may thereof haue an action of debt after the day, if it be not paied accordingly, 20.H.6.12. 5.E.4.7. But award to do any other thing at a day to come, is void, if the submission be not by specialtie, because the partie hath no meanes to compell his aduersarie to performe it, 5.E.4.7.and 24. aa

An award is void (as is said) if it neither be executed, nor any meanes by law for the execuiton thereof: As if it be awarded, that thone shal pay to thother x. pound, this is good, for hee may recouer the same by action of Debt. But if it were awarded that thone should deliuer to thother an acre of land, or do such like act executory, it were void, if it be not deliuered straight way, or prouision made by bond, or otherwise to compel the performance thereof according to the award, 19.H.6.36.20.H.6.12. 5.E.4.7, 19.E.4.8. bb

Thus much of the doctrine of Arbitrementes, now of their seuerall formes. cc

An Arbitrement, or award of lands, by which the partie couenanteth to performe it.

Sect. 45. THis Indenture made &c. betweene T. R. of &c. of the one partie, and L.M. of &c. of the other partie, Witnesseth, that whereas there hath

hath beene, and yet is contention, variance and ſuite betwixt the ſaid parties, not onely for, and concerning the right, title and intereſt, of, and in a certaine quantity of ground, by eſtimation two acres or thereabout lying in R. and adioyning to the Mill of the ſaid T. R. in T. aforeſaid, claymed by eyther of the ſaid parties to be his owne land and inheritance, But alſo, for, and concerning certayne wayes to the Mill of the ſayd T. through the ground of the ſaid L. from al the Townes, Villages, Hamlets, and other places in the North ſide of the riuer of D. bordering, lying, and being within the ſpace of ten miles of the ſaid Mill, and all other matters and controuerſies, betwixt the ſaid parties. For the friendly ending and appeaſing of which ſaid variances, and controuerſies, the ſaid parties haue compromitted and ſubmitted, and by theſe preſents do compromit and ſubmit themſelues, and all matters in variance aforeſaid to the order, arbitrement, award, doome and iudgement of F. W. and T. W. Whereupon the ſaid arbitrators hauing viewed the ſaid groſid in variance, and peruſed diuers writings and euidences concerning the ſame, and heard the teſtimony and witnes of diuers auncient men & neighbors dwelling nigh the ſaid ground, aſwell touching the occupation and vſage of the ſaid ground by the ſaid T. R. and his auncetors, as alſo the ſaid waies vſed vnto the ſaid Mill by thinhabitants aforeſaid time out of mind, do make and declare their award, order, doome, and Iudgement touching the premiſſes, and euery part of them. B * And the ſaid T. R. and L. M. do couenant and graunt ſeuerally either of them, to and with the other, for themſelues, their heires, executors and adminiſtrators, in maner and forme following. And firſt the ſaid Arbitrators do order, award, and iudge, And the ſaid L. M. is ſo contented and agreed, and accordingly doth couenant and graunt, for him, and his heires, to and with the ſaid T. R. his heires &c. that he the ſaid T. R. ſhal and may from hencefoorth, haue hold, occupie, and quietly inioy to him and his heires for euer, the ſaid parcel or quantitie of ground containing by eſtimation two acres, lying and being on the North ſide of the riuer of D. directly ouer againſt the ſaid Mill, and demeſne lands of the ſaid T. R. in T. aforeſaid, as it is now bounded and meared foorth with ſtones by the ſaid Arbitrators, And ſhall alſo haue and may take to his and their owne proper vſe, all the trees now ſtanding or beyng, or that hereafter ſhall growe in and vpon the ſaide grounde, and all other profites and commodities comming off, and vpon the ſaide ground (onely the thornes, briars and herbage, excepted and foreprized) with free libertie, entrie and paſſage, for the felling, hewing, leading, carrying away, and taking of the ſame trees, and all other the ſaid profits and commodities (except before excepted) at all and euery time and times hereafter at his and their pleaſure. And

that the said T.R. his heires and assignes, and all and euery other person and persons, that shall come and bring any corne to the Mill of the said T.R. called T. Mill, from the said townes, villages, hamlets, or any other place inhabited, shall haue free libertie, waies and passage for the carrying, fetching and bringing of their corne to the said Mill, aswell ouer and through the said parcell of ground set forth and meared as is aforesaid, as also through and ouer other the grounds of the said L. M. in R. aforesaid, in as ample and large manner and forme, as the inhabitants of the said townes, villages and hamlets or other places haue beene accustomed and vsed to do at any time heretofore, and as it is now most commonly vsed. ✠ And shall and may tie and fasten any C
their horses, mares or other beasts wherewith they carrie any corne to the said Mill, to any tree growing, or other thing, being in, and vpon the said ground, so that the string, corde or rope, exceed not the length of foure whole yards at the most. ✠ And that the said T.R. his heires D
and assignes shall and may lawfully at all and euery time and times so oft as need shall require, amend and repaire all and singuler the waies, and euery part thereof, for the ease, sauegard, and passage, of the inhabitants of the said townes, villages, hamlets, and places inhabited, coming, and going, to, and from the said Mill, without any let, trouble, veration or contradiction of the said L.M. his heires or assignes, or any of them. And that the said L. M. his heires and assignes, shall at all times within the space of two yeares next ensuing the date hereof, doe, make, knowledge and suffer, or cause to be made, knowledged and suffered, all and euery act and actes, thing and things, as shalbe reasonably deuised, or aduised, by the said T.R. his heirs or assignes, or his or their learned counsell, at the onely proper costes and charges in all things, of the said T. R. his heires or assignes, for the further and better assurance and sure making, aswell of the said parcell or quantity of ground, containing about two acres, as also of the said waies, in maner & forme before expressed, vnto the said T.R. his heires and assignes for euer, according to the true effect, meaning and purport of these presents: In consideration whereof it is further ordained, awarded, deemed and iudged, by the said Arbitrators. ✠ And the said T. R. doth so couenant E
&c. that he the said L.M. his heirs and assignes, shall and may haue, take and enioy, onely the grasse & herbage, with the thornes and briers yearly growing, or being in, or vpon the said parcell or quantity of ground so bounded or set forth, as is aforesaid. And in further consideration of the premisses, the said T.R. hath paied to the said L.M. at the insealing hereof, at the request of the said Arbitrators, the summe of xx. pounds &c. ✠ In witnesse whereof not onely the said parties to these present F
Indentures of award interchangeable haue put their seales, and subscribed

ſcribed their names: But alſo the ſaid Arbitratoꝛs to both the parts of theſe Indentures haue put their ſeales and ſubſcribed their names the day and the yeare &c.

An other Arbitrement of debte, where the parties are bound to performe it.

A TO all true Chriſtian people to whome this preſent writing of award indented ſhall come, G.W. G.N. S.S. and T.N. of &c. ſend greeting in our Loꝛd God euerlaſting. Whereas diuers ſuites &c. betweene T.W. and I.S. of &c. Foꝛ pacifying, oꝛdering and ending whereof, the ſaid T.W. and I.S. haue bound themſelues either to other in the ſumme of a M.l. of lawfull Engliſh money, by their ſeuerall obligations bearing date &c. with conditions there vnder written, to ſtand to &c. vt ſupra of the ſaid G.I.S. and T. Arbitratoꝛs indifferently elected and choſen, aſwell vpon the part and behalfe of the ſaid I.S. as of the ſaid T.W. to award, arbitrate, oꝛder, rule, iudge, end & determine, al, and al maner of ſuites, debts, actions, controuerſies, debates and demaundes whatſoeuer, depending betweene the ſaid I.S. and the ſaid T.W. and W.W. his ſonne and heire: So that the ſaid award were made and giuen vp in writing vnder the hands and ſeales of all the ſaid Arbitratoꝛs, at oꝛ befoꝛe the &c. at &c. as by the ſaide obligations and conditions amongſt other thinges doeth and may ap- Sect. 46.
B peare. ✠ Know you now that the ſaid G.I.S. & T. taking vpon them the charge and burden of the ſaid award, & hauing deliberatly heard the griefes, allegations, & pꝛoofes of both the ſaid parties, do by theſe pꝛeſents arbitrate, award, oꝛder, deeme, & iudge, of, and concerning the pꝛemiſſes in maner & foꝛme following: that is to ſay. ✠ Firſt, they do a-
C ward, oꝛder, deeme, & iudge by theſe pꝛeſents, that the ſaid I.S. his executoꝛs oꝛ adminiſtratoꝛs, oꝛ ſome of thē, ſhal wel and truly pay, oꝛ cauſe to be paid vnto the ſaid T.W. oꝛ his certain Atturney, exec. oꝛ adminiſtr. oꝛ ſome of them, at, oꝛ befoꝛe the &c. at, oꝛ in the &c. 200. li. of &c. and at, oꝛ befoꝛe the &c. other 200. li. of &c. in full ſatiſfaction of 400. li. Foꝛ paiment whereof the ſaid I.S. ſtood bound to the ſaid T.W. in, and by fower ſeuerall Obligations, whereof two are already foꝛfaited,
D as there by may appeare. ✠ Alſo the ſaid Arbitratoꝛs do award, oꝛder, &c. that the ſaid I.S. his exec. & adminiſtr. oꝛ ſome of them, at their, oꝛ ſome of their coſts and charges, ſhall befoꝛe the &c. cauſe & pꝛocure, that all ſuits, bils, plaints, and infoꝛmations heretofoꝛe commenced againſt the ſaid T.W. in any court, oꝛ courts whatſoeuer, either by, oꝛ in the name of the ſaid I.S. oꝛ by, oꝛ in the name of H.S. his ſonne, oꝛ by, oꝛ in the name of our Soueraigne Lady the Q. Maieſtie that now is, and of euery, oꝛ any of them, oꝛ by, oꝛ in the name of any other perſon oꝛ perſons, by the conſents, meanes, & pꝛocurements of them, oꝛ any of them,

shall thencefoꝛth surcease, and bè no further pꝛoceeded in by them, noꝛ any of them, oꝛ by the means, consent, oꝛ pꝛocuremẽt of them, oꝛ any of them. And befoꝛe the &c. be vtterly discontinued, and made void. ✠ And E
the said Arbitratoꝛs do further award, oꝛder, deeme, and iudge by these pꝛesents, that foꝛ the sure payment of the said summe of 400. pounds, the said I.S. and G.S. within two daies next after tender oꝛ deliuery of the one part of this pꝛesent award to the said I.S. shall well, and sufficiently make, seale, and deliuer as their deeds to the said T.W. in &c. one Obligation oꝛ wꝛiting obligatoꝛie sufficient in the lawe, wherein, and wherby the said I.S. and G.S. shal acknowledge themselues, and either of them to be ioyntly, and seuerally bounden to the said T.W. in the summe of 800. pounds of &c. with condition thereupon in due foꝛme of law indoꝛced foꝛ the sure paiment of the said summe of 200. li. parcell of 400. li. at, oꝛ in the &c. befoꝛe &c. And the other 200. li. residue of the said summe of 400. li. at, oꝛ befoꝛe the &c. and at &c. ✠ Also F
the said Arbitratoꝛs do further award, &c. that the said I.S. his executoꝛs, oꝛ administratoꝛs, oꝛ some of them, shall, and will befoꝛe the &c. at his, and their owne pꝛoper costes and charges, cause, and pꝛocure to be cancelled, and made void one recognisance of 200. li. bearing date the &c. knowledged, and inrolled in the Q. maiesties high court of Chancerie, wherein, and whereby the said T.W. standeth bounden to the said I.S. in the said summe, with condition thereunto annexed: That if the said T.W. his heires, executoꝛs, and administratoꝛs, & euery of them, should well, & truely obserue, perfoꝛme, fulfil, & keepe, all, & euery the couenants, grants, articles, & agreements, which on his and their parts were to be obserued, perfoꝛmed, fulfilled, & kept, cõtained and specified in one Indenture bearing date the &c. had, and made betweene the said T.W. on the one partie and the said I.S. on the other partie, concerning the marriage of W.W sonne & heire apparant of the said T.W. and A.S. daughter of the said I.S. accoꝛding to the true intent, puꝛpoꝛt, & effect of the said Indenture: That then the said Recognizance to be void, and of no effect, oꝛ elle to stand &c. as by the said Recognizance & Indenture moꝛe plainly, and at large appeareth. ✠ And also G
that the said I.S. his executoꝛs, oꝛ administratoꝛs, oꝛ some of them, shall, and will befoꝛe the feast of &c. deliuer, oꝛ cause to be deliuered vnto the said T.W. his executoꝛs, oꝛ administratoꝛs, oꝛ some of them, in the said now dwelling house of the said T.W. afoꝛesaid, the said Indenture of couenants concerning the foꝛesaid marriage, cancelled, oꝛ to be cancelled. In witnesse whereof the said Arbitratoꝛs to both partes of this pꝛesent award indented, haue set their hands and seales. Dated, &c.

An

An Arbitrement or award of debt made by an Earle vpon submission by bond.

A TO all true Christian people, to whom this present writing of award indented shal come: The right Ho. G. Earle Marshal of England, &c. sendeth greeting, &c. Whereas diuerse suits, variances, cõtrouersies, & debates, heretofore haue bin had, moued, & depending, between T. G. of T. in the coũtie of Y. yeomã on the one partie, & F. M. of D. in ỹ said coũtie gentlemã, on the other partie: For pacifying, ordering, & ending wherof, the said T. G. & F. M. haue bound themselues either to other in the suñ of 400. l. of, &c. by their seueral oblig. bearing date, &c. now last past, with cõdition there vnder writtẽ, to stãd to, abide, performe, fulfil, & keepe the award, order, rule, doome, iudgemẽt, & determination of the said Earle indifferently elected, & chosen, by the mutual cõsent, & at the earnest, & hũble request, & petition, of both the said parties, to arbitrate, award, order, iudge, & determine, of, for, & cõcerning al, & al maner of actions, suites, quarrels, debts, duties, & demaunds whatsoeuer, had, moued, or depẽding or which hereafter might be had, moued, or depend between the said parties, by reason of any matter, thing, or things whatsoeuer, accrued, or growẽ frõ the beginning of the world, vntill the day of the date of the same oblig. So that the same award were made in writing indented, vnder the hand & seale of the said Earle before the xix. day of, &c. & thone part of the same writing indented, deliuered, or cauled to be deliuered by the said Earle, to the said T. G. his executors, &c. or any of them, or to their, or any of their vse, vpon, or before the said xix. day of &c. at, or in the now mãsion, or Manor house of the said Earle, called S. in &c. & the other part thereof, to the said F. M. &c. vt sup̃, as by the said B oblig. & conditions thereof both & may more at large appeare. ✻ Know you now, that the said Earle of his meere good will & fauour, which he beareth to both the said parties, & of ỹ great & honorable respect, which he hath of their future quietnes, taking vpon him the charge & burden of the said award, & hauing deliberatly at sundry times at large, heard & considered the griefs, allegations, & proofes of both the said parties, both by these presents, arbitrate, award, order, deeme, & iudge, of & con- C cerning the premisses in maner & forme following, viz. ✻ That the said F. M his &c. or some of them, shall well, & truely pay, or cause to be paid vnto the said T. G. his &c. or some of them, the sum of 160. l. of &c. in the &c. in maner & forme following. viz. vpon &c. 80. l. therof, and vpon &c. other 80. l. therof residue, & in full paiment & satisfaction of the said D sum of 160 l. ✻ And that in consideration thereof the said T. G. shall permit, & suffer all suits, actions, quarrels, debts, duties, and demands, growen before the date of the said oblig. to cease, & be discontinued, and E no further prosecuted by him, or any other by his procurement. ✻ And

Sect. 47.

furthermore, for as much as the said F.M. is charged as is aforesaid, for the paimēt of the said sum of 160.l. partly by reason of a iudgment heretofore giuē for the said T.G. against one L.S. in the Q.Maiesties court, cōmonly called the K.bench, in an actiō of debt, in which the said T.G. hath recouered against the said L.S. 285.l. and 4.d. as by the record thereof remaining in the said court appeareth. His honor doth further award by these presents, in relefe & ease of the said F.M. that if the said F.M. his &c. or any of them do well and truely pay, or cause to be paied the said sum of 160.l. according to the true meaning of this present award, And if the said L.S. his heirs, &c. or some of them, shall not well, & truely satisfie, content, & pay vnto the said T.G. his &c. the said seuerall sums aboue in this awarde appointed to be payed by the said F.M. before the seuerall daies herein aboue mentioned: That then, & at all times after any such default of paiment so to be made by the said L.S. his &c. the said T.G. his &c. shall permit and suffer the said F.M. his executors, and administrators, & euery of them, at the costs & charges of the said F.M. his exec. and administ. effectually to prosecute, or cause to be prosecuted, all, and euery such execution, and executions vpon the said iudgement so had for the said T.G. against the said L.S. as to them, or any of them, or the learned counsell of them, or any of them, shall seeme good. And all, and euery summe, and sums of money thereby to be obtained, to take, and conuert to the only proper vse, and behalfe of the said F.M. his exec. & administr. without any accompt, recompence, or payment thereof, or therefore to be yeelded, or made to the said T.G. his &c. or any of them: any thing in this present award contained &c. notwithstanding. ❧ In witnes whereof, the said Earle to both the partes of F
this present award hath set his hand and seale. Dated &c.

All such couenants, & conditions as be vsually made for the assurāce or enioying of lands, or tenements, goods, and chattels, may be inserted into awards, as shall seeme good vnto the arbitrators or parties.

Of notice of the arbitrement.

Sect. 48. AND when the arbitrators haue made their award, according to A
the submission, albeit, perchance they be not bound to giue notice thereof to the parties, yet it seemeth very requisite, that they should in due time, before that eyther party be to perform any part thereof, notifie the same vnto them, least otherwise they might breake their bōds, or couenants, in that behalfe (if any such be) before they know the same. Notwithstanding, that the booke in 8. Edw. 4. 1, & 9. be doubtfull in that point.

The finall cause, and effects of Arbitrements.

Sect. 49. AND thus, by that which hath bin discoursed, it sufficiently appea- A
reth (as we thinke) that the scope, and end of arbitrements, and

other

other iudgments is all one. And chiefly the finall determination of ſtrife, ſuit, and controuerſie 19.H.6.36. And ſo conſequently, their effects be almoſt equall. But the lawes ſeeme more fauourable to arbitrements then other iudgments, in ſo much, as by arbitrators the ſtrict courſe, and tedious ceremonies of law ſuits (which are moſt commonly wont to wearie ſuters, and picke their purſes) are cut off, and ſhorter deciſions by them made, with little or no coſt at all.

Wee differ to ſhew how arbitrements may be pleaded in barre of other actions, vntill we come to their fit place amongſt our preſidents of pleadings, and ſo end this treatiſe.

An Award made by an Arbitrator touching copyhold land, betweene an Alderman of London, and an other.

A TO all Chriſten people to whom this preſent writing of award indented ſhall come H. T. of Lincolns Inne in the countie of Middleſex Eſquier ſendeth greeting in our Lord God euerlaſting. Whereas ſuite, variance and debate heretofore hath beene and yet is had, moued and depending, as well in the Queenes Maieſties Court of Requeſts, as in diuers other Courts, betweene R. H. Citizen and Alderman of London of the one partie, and R. E. of K. in the countie of M. Yeoman of the other partie, of for and concerning the right, title, vſe, intereſt, and poſſeſſion of diuers lands, tenements & hereditamẽts, with the appurtenances lying and being in K. within the manor or Lordſhip of T. within the ſaid Countie of M. and containing by eſtimation about 200. acres of land, meadow, paſture, and wood, commonly called or knowne by the name of Hebines land for the appeaſing, final end and determinacion of all which ſaid ſuites, variances and debates the parties aforeſaid haue ſubmitted, & compromitted themſelues to ſtand, to obay and performe the arbitrament, ordinaunce, dome, and iudgemẽt of me the ſaid H. T. Arbitrator indifferently elected, named and choſen by both the ſaid parties, indifferently to arbitrate, order, deeme, awarde, and Iudge as well of, for and concerning the eſtate, right, title, intereſt, vſe and poſſeſſion of all and ſinguler the ſaid premiſſes, and euery parte and parcell thereof, as alſo of for and vpon all maner of actions, ſuites, quarels, debts, debates, treſpaſſes, and demaunds, whatſoeuer heretofore had moued, ſtirred or depending betweene the ſaid parties from the beginning of the worlde vntill the twentie day of Nouember laſt paſt, as by their ſeuerall writings obligatorie wherein eyther of the ſaid parties ſtand bounden to the other of the ſame parties, in the ſumme of two hundred pounds, bearing date the ſaid 20. daie of Nouember, and made for the true performaunce of the ſaid award more at large it doth and may appeare. Wherupon the ſaid H. T. Sect. 50.

hauing taken vpon him the charge, and burden of the said Arbitrament And hauing present before him both the said parties, & hauing also very aduisedly and deliberatly weighed and considered the titles, claimes, allegacions, and proofes, of either of the said parties to the said premisses. And vpon sight and due consideration of all the euidences, writings and proofes shewed and made before me the said H. T. by both the said parties do award, arbitrate, order, deeme & iudge of the premisses in maner and forme following. That is to say: First I the said Arbitrator do award, deeme, order & Judge, that the said R. E. or his heires at al times within 3. yeares next ensuing the date of these presents, vpon lawfull & reasonable warning by the Steward, Bailife, or Reeue of the said manor of T. for the time being shall at the next Court so to be holden, then next after such warning had surrender and giue vp into the hands of the said R. H. his heires or assignes in open Court, according to the custome of the said Manor, to the vse of the said R. H. and his heires for euer all & singuler the aforesaid lands, tenements and hereditaments, hereafter in these presents mencioned expressed and declared: That is to wit, one mansion or dwelling house, wherin the said R. E. now dwelleth, with all edifices & buildings &c. And furthermore I the said H. T. do award, ordaine, deeme and Judge by these presents, that the said R. H. his heires or assignes at the said Court, where, and when the said surrender shalbe so made, shall assure and conuay vnto the said R. E. or to his heires that shall so surrender the premisses as aforesaid by copie of Court Rolle, according to the custome of the said Manor, or otherwise as by the said R. E. his heires and assignes or any of them, or by his or their learned counsell shalbe reasonably deuised, or aduised, & at the proper costes and charges of the said R. E. his heires & assignes not altering by the said assuraunce, or assuraunces so to be deuised, or aduised as is aforesaid any custome, libertie or iurisdiction of the said Lordship, manor or other the premisses with all and singuler the said lands, tenements and hereditaments, and al other the premisses, with their appurtenances whatsoeuer before by these presents ordered, and iudged to be surrendred as is aforesaid (foure acres of land now in the occupacion of &c. parcell of the premisses to be chosen by the said R. H. &c. only excepted & forepriſed.) To haue & to hold the same lands, tenemēts & all other the premisses with the appurtenances (except before excepted) vnto the said R. E. & to his heires males incorrupt within the 4. degree of consanguinitie, according to the ancient custome of the said manors. And if it happen that the said R. E. do decease before the said surrender made as is aforesaid, Then to haue & to hold the said premisses with the appurtenances to the heires of the said R. E. which so shall surrender the same & to his heires males incorrupt within the 4. degree of consanguinitie &c.

An

An Awarde reciting that either of the parties ſtand bound to other to performe the award. And that the award is made before the prefixed time in the Obligations, and with the full conſent of both the parties.

A TO all chriſtian people, to whom this preſent writing indented of award ſhal come R.W. and R.C. ſend greeting in our Lord God euerlaſting. Know ye that whereas variance, ſtrife, debate, and controuerſie hath heretofore bin had, moued and ſtirred betweene A.B. of C. and D.E. of E. of, for and concerning the right, title, intereſt, vſe, poſſeſſion and occupation of &c. for the appeaſing & ending whereof, either of the ſaid parties by their mutual aſſents, conſents, & agreements, haue ſubmitted, compromitted, and bound themſelues either to other by their ſeueral writings obligatory, bearing date &c. in the ſuume of &c. to ſtand too, abide obey, obſerue, performe, fulfill and keepe the award, arbitrement, ordinance, dome and iudgment of vs &c. Arbitrators indifferently elect and choſen, betweene the ſaid parties of, and for the premiſſes as by the ſaid ſeueral obligations with condition for the perfomance therof more at large appeareth. Whereupon we the ſaid Arbitrators taking vpon vs the labour, buſines, and charge of the ſame award, and willing to ſet the ſaid parties at a final peace, vnitie, and concord, for and concerning the premiſſes, haue by good aduiſe, & deliberation ſeene, heard, and throughly examined both their titles, allegations, euidences and proues in, and to the ſaid premiſſes, and thereupon before the day and time appointed vnto vs by the ſaid obligations for the making, giuing vp and finiſhing. And finiſhing of the ſaid award, wee the ſaid Arbitrators by and with the full aſſent, conſent, and agrement of both the ſaid parties do make, publiſh, declare, and giue vp this our preſent award betweene the ſaid parties of, for, and concerning the premiſſes, in manor & forme following. Firſt we award, ordaine, deeme, and iudge, that &c. Alſo we awarde &c. And finally we award, ordeine, deeme and iudge &c. In witneſſe whereof we the ſaid Arbitrators, and alſo both the ſaid parties to to the award haue interchangeably put our hands and ſeales the x. day of M. in the xx. yere of the raigne of our Soueraigne Lady Elizabeth, by the grace of God of England, France and Ireland, Queene defendor of the faith &c. Sect. 51.

SYMBO-

SYMBOLEOGRAPHY.

Of the Chauncerie, Proceedings in the *same, and Supplications, Billes,* and Aunſweres.

The Chauncerie.

Sect' 1.

SEeing by Gods fauor, we intend ſomewhat to diſcourſe of the maner of proceeding in Chauncerie ſuits, and to ſet downe ſome Preſidents thereof, to the performing whereof, it ſeemeth requiſite firſt to vnfold the nature of Equitie, Conſcience, & the rigor of the common Lawes of this Realme, as the proper object or matter whereabout ſuch ſuites are for the moſt part occupied, to the end it may with the more facilitie be vnderſtood, how, and when ſuch ſuits are fitly to be taken in hand. Therefore we wil firſt ſpeak of Summum ius, (which oftentimes preciſely regardeth the verie letter and words of the common Lawes: for remedie whereof, parties grieued, pray aide of this honorable Court of Chauncerie, to bridle extremitie, and reduce ſuch rigor to Equitie and Conſcience. A

Of ſtrict or preciſe Law, which is called Ius ſummum.

Sect' 2.

ARiſtotle calleth it Exact or preciſe Law, becauſe that, if it haue no allay in it to qualifie the harſhnes & ſeuerity of it, it is vnpleaſant and ſower in taſt, and repugnant to Equitie. A

And Budæus ſaith, that this word (ſtrict and preciſe Law) is a word, which amongſt the Ciuilians, ſignifieth verie hard law, exact, and ful of rigor, and almoſt vniuſt: For they that writ of the Law, make theſe words, ſtrict Law, and Equitie, oppoſite, the one to the other, thus farre Budæus. The Lawiers do alſo tearme it, Ius ſubtile, ſubtil Law. Other Lawiers do tearme it, Summum Ius, Law in the higheſt degree, or moſt exact, and it is ſo taken of them, when men ſtand more vpon the letter of the Law, then vpon the meaning of the writer, or maker of the Law. In which behalfe, it ſo falleth out oft times, that vnder a colour of know- B

ledge

ledge of the Lawes, many grosse and dangerous errors be committed. Corasius Missel. li.2.ca.8.Nu.12.

C Oldendorpius deuideth this Ius summum, or Law in the highest degree, into two branches: the one proper, the other improper.

D Law in the highest degree, so properly termed or taken, is an vndoubted & infallible rule of honestie, which may generally without exception be put in executiõ in any cõmon weale, whether it be originally groũded vpon the Law of Nature, or vpon the Law of Nations: For examples whereof you may take all the rules and principles of the Law, for these rules and principles of the Law, do in their kind, most strictly and exactly define and bound out the matter which they handle, barely and nakedly, without any regard of circumstances of the fact that may fal out, of which sort of rules are these. Keepe thy word, hurt no man: these are general rules of Law in the highest degree, so righteous and full of Iustice in their kind, that by the Law of Nature it selfe, better and more rightfull cannot be giuen, Li.1.F.de pactis.

E But here you see no respect had to any circumstance, of your worde or hurting, for this point belongeth to Equity, or the Court of Conscience, which with vs is called the Chauncery, as the case may fall out. And the law in the highest degree, being thus properly taken, is wrongfully termed by the common sort of men, wrong in the highest degree, for to speake generally and at a word, it is the iustest reason that may be, whether Naturall, or Rationall, so farre is it, from being, to be rightfully taken wrong, vntill it be stretched, and as it were set vpon tenture hookes, to be drawen to some inconuenient circumstance of the fact: as when a man doth couenant or giue his word to do some dishonest fact, or hurtfull and dangerous to the common wealth, In which case, if a man should wrest this rule of Law, Keepe thy word, in steede of doing right in the highest degree, he should commit iniustice in the highest degree: Not because the Law hath any fault in it selfe, but because through his error, and cauelling with the Law, he worketh wickednes, not iudging a right the circumstances of the fact, wherein Law and right standeth, Li.Si.F.de pactis.

F Law in the highest degree improperly taken, is so termed when by an ouer rigorous and hard interpretation, it is drawen to inconuenient kinds of facts, or by colourable arguments, is drawen to frustrate the good meaning of the Law, L. Inciuile cum L. seq. F. de Legibus. Many examples hereof we haue in the Law: As, it is a Law, that no man shall be forced against his will to commence or maintaine any suit or action: Now put the case, that I. S. is wrongfully impleaded by I. N. who hath framed a cunning action, full of glorious shewe against him the said I. S. But I. N. finding in conclusion that he is not able to proue,

and

and make good his action, becommeth nonsuit, I.S. praieth remedy of the Iudges against this wrongfull veration of I.N. and he the said I.N. in defence of his wrongful veration, vrgeth this rule of Law, that no man is compellable to maintain an action: Shall he be heard in this case? No saith Iustinian, this false glose of I.N. is not to be suffered or borne withal. This tearme or word of Law in the highest degree, being thus taken, we may wel say, that Law in the highest degree is wrong in the highest degree. For the more subtilly that a man doth argue, & the more authorities he heapeth togither, to inforce such a law, so much the more and greater wrong, and iniustice shall he doe.

Of Equitie.

Sect. 3. EQuitie is that which is commonly called equall and good, & sometimes equall and iust, and sometime equall, iust, Lib. 1. & Pen. F. de Iusticia & iure, I. si & ius F. si certum petatur, Arist. termeth it Epieices, and other terme it Epieician, which is as much to say, a mittigation, or moderation of the Lawe written, in some circumstance, either of the things themselues, of the persons, or of the times. Law (saith Donatus) is that, that maketh all things straight, and not pliable to thone, nor other. Equitie is that, that dispenseth with many points of the Law. Oldendorpius saieth, that Equitie is nothing else, but a sound or vpright will or iudgement of an honest man, nothing craftie or subtill, so measuring out to euery man that, that is his, that in the meane while noe man is wronged, as appeareth most elegantly in I. bona fides I. Incurrit F. depos. A

Equitie as some other say, is a reasonable measure, conteining in it selfe a fit proportion & rigor, so that it differeth from Law in this, that Law is a determinate sentence set downe according to the rules of the law: But Equitie is a certaine proportion and allay, vpon good occasions, setting on side the common rules of the Law, and so they cal it a ruled kind of Iustice, allayed with the sweetnes of mercie.

Equitie is diuersly termed in the Law, sometime it is very significantly called a Conuenience, because it ministreth amongest men, a fit proportion, aunswerable to the persons, the matters, the places, and the times. Sometimes, plain dealing, is called Equitie, which is opposite to the dealing of man by nice points of the Law. Sometime it is taken for naturall Iustice, or the Law of Nature. Sometime it is taken for Law that is opposite to forged and deuised Law. Sometime it is taken for Religion &c. And to be short, Equitie, is the correction or amendement of a good Law, which is defectiue in some part, by reason of the generalitie of it.

Of

Of the diuision of Equitie.

A EQuitie is twofold, written, and not written, for Equitie may be vsed both in Schooles, and places of Judgement, two waies: The one, by taking good heed, how, and in what sort, Princes and Lawiers haue obserued Equitie, in making and setting downe of lawes, appointed to be rules and squares of mens actions: So that if at any time any case falleth out, which is in all points aunswerable to the Law, void of any different circumstances, which might require some change, or alteration of the Law, they may accordingly frame their iudgements, being sure and out of doubt, that the Law of Equitie is alreadie chalked out to them. Sect. 4.

B An other way Equitie is to bee practised in these particuler facts, which daily fall out, and haue no certain line and square set out for them in the Lawes alreadie made, so that we must bee forced to deliuer our Judgements in them, according to certain circumstances, applyed as neerely as we can, to the principles of our Law. And herein standeth the greatest vse of Equitie, most fit for common weales: And therefore we may well call it an vnwritten Equitie, not because we are at our liberties to define and determine of it, without due regard had to the Lawe written, but because it taketh some libertie not to bind it selfe, to the generall Rules of the Law.

Of the efficient cause of Equitie.

A GOD is the efficient cause of Equitie, who hath so disposed of the nature of mankind, that we are not in any wise able, to set downe a certaine rule for future things, and yet hath bestowed vpon vs so much knowledge, as whereby we may frame certain generall rules of honest life, which may serue for directions in all particuler actions and facts, daily and hourely falling out amongst men, if they be duly and carefully examined by the rule of Equitie, which hath her eye cast vpon all ordinarie circumstances. Sect. 5.

Of the material cause of Equitie.

A THe Law of Nature, the Law of Nations, and good maners, are the materiall cause of Equitie, for a well minded man, and of sound Judgement, will make of these three an holsome and verie medicinable mirture, for any state and common wealth. But the matter where about this Equitie must occupie and busie her selfe, are the affaires of men, infinite, as they fall out. For right or Law will bee rightly ministred, if as matters fall out, the circumstances thereof duely considered, the ministers of the Law do frame their Judgements accordingly. Sect. 6.

Of

Of the Chauncerie.

Of the formal cause of Equitie.

Sect. 7. The formal cause of Equitie is the matching and leueling of facts falling out, and the circumstances thereof, with the rules of the Law, as buildings are framed to Carpenters lines and squares. A

Of the final cause of Equitie.

Sect. 8. The final cause of Equity, or effect, is, to keepe an equalitie amongst the state of men, who are at much odds & squares amongest themselues, to the end, the common wealth may be preserued in safety, which standeth for the most part in righteous iudgements. A

Why Equitie is sometimes compared to a ruler.

Sect. 9. NOt vnfitly is Equitie tearmed, the rule of maners: for as by a rule the faults of a building are discouered, so doth Equitie Iudge a right, both of the written Law, and also of all mens actions and behauiours: And therefore such as are ministers of Iustice, applie and frame their Iudgements, after the square and rule of good and egall, that is to say: of Gods Law, and the Lawes of Nature. Against which Lawes, what Iudgements soeuer be giuen, cannot be but vniust and vnrighteous. A

How Equitie and Clemencie differ.

Sect. 10. There is a difference betweene Equitie, and Clemencie: for Equitie is alwaies most firmely knit to the wil of the Law, which way soeuer it bends, whether to clemencie, or to seueritie. But clemencie is onely proper to the Prince, or those Magistrates, that haue like power of administration of Iustice, as Princes haue. A

Of the difference betweene Equitie, and strict Law.

Sect. 11. STrict Law & Equitie differ herein, that strict Law doth set downe in a generall sort what it enacteth, & is seuere, and not to be moued, one way or other: it taketh order for things, once for all: the grounds & principles which it bringeth forth are vniuersall, & full of seuerity and sharpnes, from which rules it will not start aside, no not the breadth of an heire. But Equity is fitly compared to a Shoomakers shop that is well furnished with all sorts and maner of lastes for mens feete, where each man may be sure to finde one last or other that shall fit him, be he great or small. It is not also vnfitly compared to an Apothecaries shop, stored with al kind of drugges, fit for all the maladies & diseases of men. Which drugs notwithstanding, in case they should be vnskilfull compounded together, would in stead of healing, worke present death to the patient that should receiue them: For it requireth the industrie and exquisite A

quisite

quisite art of a good Phisition, to make a right composition, discerning, and tempering by iust proportions good venims from euill. In like sort in affaires both publike and priuate, equity doth particularly, & carefully examine the causes, the times, the circumstances, the sorts and differences of persons, and matters, and by former iudgement giuen in like cases, gathereth and frameth an absolute and perfect deciding and determining the matter presently in question and sute.

C And S. German to the like effect saith, Equitie is a righteousnes tempered with mercie, which considereth all the particuler circumstances of the deed, Doct. & Stu. Lib. 1. cap. 16.

D This Equitie, saieth he, must alwaies be obserued in euery Law of man, and in euery Maxime or generall rule thereof, for that mens acts are so diuers and infinite, that it is impossible to make any general Law which may aptly meete with euery particuler act, and not faile in some special case. Therefore Law-makers do foresee things which may oft happen: in so much as strictly to obserue the word and tenor of the law, were in some cases both against Iustice and the comon wealth. Wherefore in such cases we must stick fast to that which reason and Iustice require, which is, that Equitie may mittigate Rigorem iuris, which equitie is no other thing, thē an exception of the Law of God, or of the Law of Reason, from the general principles of mans positiue law, not agreeing with them in some particularitie, which exception is inwardly implyed in euery general ground or Maxime of the Law. And yet taketh not away the very right, but substituteth right in steed of that which by the onely letter of the Law seemeth to be right and is not. Neither may we therefore accuse the Law of cruelnie (which as is said) generally taken is good of it selfe, and not cruel, though it reach not fully to euery particuler circumstance of mens actions. And therefore if a Law were made, that no man vnder the paine of death, should open the gates of a Citie before the Sun rising, yet he who for sauing the Citizens flying from their Enemies to the same gates, openeth them before that time, offendeth not thintent and equitie of that Law, D. S. Lib. 1. cap. 6. Or if a Statute were made, that whosoeuer doth such an Act should be put to death: yet if one of Non sanæ memoriæ, or an infant of tender yeres, which wanteth discretion do such an act, they shall not therefore suffer death. Or if a Statute were made, that whosoeuer receiueth or aydeth with meate drinke, or other wise I. S. an offendor knowing his offence shalbe accessary thereunto as a felon, yet if his wife knowing his offence receyue and ayde him, she shall not thereby be a Felon: for in the generalitie of such Statutes, Madmen, Infants, and his owne wife are not intēded to be included, but excepted by implication. By ll which we may gather, that the outward words of the Law onely, are not the law,

but

but the inward ſence and meaning thereof: For our Lawes (as all other Lawes) haue two parts, that is to ſay: the fleſh and ſoule, The letter reſembleth the fleſh, the intent, and reaſon, the ſoule: Nam ratio legis, eſt anima legis. The Law may be compared to a Nut, whereof the letter reſembleth the ſhell, the ſence the kernell: And as the profit of the nut is not in the ſhell, but in the kernell, ſo the fruit of the Law is not in the letter, but in the ſence: And as he which reſteth vpon the ſhel leeſeth the fruit of the nut: ſo he which ſtaieth vpon the letter wanteth the profit of the law, for the letter is ſometimes larger, and ſometimes narrower then the intent which Equitie regardeth, Plow. 9 b 465. a

And Bracton of Equitie writeth thus: æquitas eſt rerum conuenientia quæ in paribus cauſis paria conſiderat iura, & omnia bene coequiparat. Et dicitur æquitas quaſi æqualitas, & vertitur in rebus, id eſt, in dictis & factis hominum, lib. 1. cap. 4. Sect 35.

How the Chauncerie is termed the Court of Conſcience.

Sect' 12. AND for ſomuch as this Court bridleth the rigor of the Common Law, by giuing actions and exceptions for remedies whereby law none were, according to equitie and conſcience, to maintaine æquum & bonum, the common people terme the Chauncery the Court of Conſcience: Yet herein conſcience is ſo regarded, that Lawes be not neglected, for they muſt ioine hands in the moderation of extremitie, Diuerſ. Cuſ 105. Nam ipſe etiam leges cupiunt vt iure regantur, id eſt, vt leui, facili, ac benigna interpretatione temperentur, vereque dicitur, Nullus recedat a Cancellaria ſine remedio, 4. H. 7. 4.

Of Conſcience.

Sect' 13. THis Conſcience is defined, Reliqua in homine rationis ſcintilla, bonorum, malorumque facinorum, index & Iudex: igitur & bipertita ea approbatio ſcilicet & opprobatio, illa in bene, hec in ſecus factis. Iuſtus Lipſius lib. ciuilis doctrina cap. 5. of thus. A

Conſcientia eſt tacitum animi infallibileque facti noſtri iudicium, a communi Iuſtitiæ formula, quam Deus inſculpſit omnibus hominibus productum, per quod aut accuſatur res mala aut defendit bona, Oldendorpius, Coraſius in Miſcel. lib. 4. cap. 20.

Conſcience is an actuall applying of knowledge to ſome particuler act of man, as Saint Germain ſaith, Doct. and Stu. cap. 15. And Synderesis which is termed a natural power of the Soule, perſwading good, and diſſwading euil, D. S. lib. 1. cap. 13. & is nothing els but attenta obſeruationis occaſio cũ oĩbus circumſtantijs eius, *Theucid. lib.* 7. and miniſtreth the general principles of that knowledge. Vere igitur dicitur, conſcientiam verã niſi adhibeat, Iudex non poteſt cauſam ſecundum equitatem,

tatem definire, ſi mille teſtes, totidemq; videat ob oculos inſtrumenta, Conſcientia enim (cum mille teſtium vim obtineat) certa eſt, non fallitur. At in probationibus ſæpe vel error, vel dolus verſatur, ſicut experientia heu nimis frequens nos docet, *Oldend.*

Of Iudgements in Chauncerie.

A SO great is the power, iuriſdiction, and maieſtie of this court, that Iudgements therein giuen are not to be controlled or reuerſed in any other Court, then the high Conrt of Parliament, which is the chiefeſt of all other Courts in this Realme, Diuerſ. Cur. 105. 37.H. 6. 14. Sect. 14.

Of the power ordinarie of the Chauncerie.

A AND this Court is armed with twofold power, that is to ſay: with power ordinarie and abſolute, 9.E.4.15. Sect. 15.

B By ordinary power the Lord Chauncelor proceedeth as at the common Law, as in proceeding vpon Recognizances there knowledged, and trauerſes of offices, in which parties are to plead and ioyne iſſue as at common Law. And ſo in ſuit againſt, or for Clerkes of the Chauncerie, and other perſons priuiledged by Attachment there for matter of action remediable by the common Law &c. But when they be at iſſue, the Record muſt be tranſmitted into the K. Bench to be tried by Iurie. And when it is ſo tried, it muſt be remaunded into the Chauncerie, that iudgement may be there giuen, and execution had vpon the ſame, 24.E.3.45. 14.E.4.7. 8.E.4.6.

Of the power abſolute of the Chauncerie.

A THe abſolute power is not tied to the rules of the common Law, but by that, matters may be examined omnibus vijs & modis quibus rei veritas melius ſciri poterit, & iudged ſecundum allegata & probata, and not by Iurie of twelue men, as at the common Law: But by examination of witneſſes, as in the courtes of the Ciuill Law, Smithus de Rep. Angl. lib. 2. cap. 12. Diuerſ. Cur. 106. 9.E.4.15. Neither is ſuch preciſe forme of pleading vſed in the Chaūcerie, as at the common Law, nor any aduātage to be taken for miſpleading, or want of forme, ſo as the ſubſtance of the matter be ſufficiently diſcloſed in conſcience, Diuerſ. Cur. 106. 9.E.4.15. 24.E.3.45. 14.E.4.7. Sect. 16.

B Diuers other ſpeciall aucthorities and priuiledges hath the Lord Chauncelor by ſundrie Statutes, as thereby appeareth. And partition made in the Chauncery rendring rent is good, and may well be ſent into the Kings Bench, and execution thereupon made by Scire facias, 37. H.6.43. li. Aſſ. 32. And if lands be recouered from a woman whereof ſhe was endowed in the Chaūcerie, ſhe may haue a Scire facias there to be newly endowed, 29. Aſſ. 23.

Of the Chauncerie.

Of a Subpena.

Sect. 17. AND seeing the ordinarie meanes to call and bring in the parties to A
aunswere in this Court is eyther by the Serieant of the Mace, as
before, or by Subpena which onely is thoriginall processe of this court,
and must be directed to the parties, D. St. lib. 1. cap. 17. Smith de Rep.
Ang. lib. 2. cap. 12.

Cases remediable in Chauncerie.

Sect. 18. HAuing thus perused Equitie and summum Ius with their diffe- A
rences, and also what conscience is, whereupon suits in this court
do chiefly lie: It seemeth good now specially to consider such speciall
cases as be remediable in Chauncerie, and for which a writ of Subpena
lieth there, as in cases following.

A Subpena lyeth in no case but where the common Law fayleth, so
as the partie who in Equitie hath wrong, can haue none ordinarie re-
medie by the course and rules of the common Law, 39. H. 6. 26. 7. H.
7. 11. as in these cases following, and such like.

As if the Queene by her letters Patents giue vnto A. goods forfei- C
ted to her highnes by Treason, A. may sue for the same in Chauncerie,
39. H. 6. 26.

And it seemeth if one Coexecutor alone releas debt due to the testa- D
tor, his companion may thereof haue remedie in Chauncery against his
Coexecutor onely, if no couin be in the debtor: but if there be, then a-
gainst them both, 4. H. 7. 4. Diuers. Cur. 106.

And by Moyle, if in a Quare impedit by two Coparceners, thone E
make a false plea of couin betweene him & the defendant, then his com-
paniō by suit in the Court may enforce him to ioine with him in a true
count, 6. E. 4. 10.

If lands in Auncient demesne extended by statute Marchant be re- F
couered by common recouerie, the cognizee hath no remedie but in con-
science, 7. H. 7. 11.

If feoffees in trust commaunded by cestuy q̄ vse to enfeoffe his ven- G
dee, refuse to do it, a Subpena lyeth for the vendee against them, 37.
H. 6. 36.

If cestuy q̄ vse deuise by his will that his feoffees make an estate to H
I. S. for life, the remainder to H. in fee, and I. refuse to take his estate,
H. after the death of I. may by Subpena compell the feoffees to make
estate to him accordingly, per Ienny & Finch, 37. H. 6. 36.

Tenant in Borough english enfeoffe A. to the vse of the feoffor and I
his heires and die, his yongest sonne shall haue a Subpena, and not the
eldest, for the vse is of the nature of the land, 5. E. 4. 7.

If a man make a feoffement in trust of lands discended to him ex K
parte matris, and die without issue, his heire ex parte matris may haue

a

a Subpena, 5.E.4.7.

L If a man make a feoffement to perfoꝛme his will, and after to infeoffe his heires, and declare his will foꝛ yeares, and die, hauing iſſue a ſonne and a daughter by one venter, and a daughter by another ventre, the ſonne dieth without iſſue beforꝛe the will be perfoꝛmed, his ſiſter of the whole bloud is to haue execution of the eſtate by the feoffees, foꝛ poſſeſſio fratris de feodo (of an vſe) facit ſororem eſſe hæredem, & the will foꝛ yeares is no impediuent of the poſſeſſion: But otherwiſe if it had bin of franktenement by the Reporter, 5.E.4.7.

M If A. ſeiſed in fee to the vſe of a woman, who taketh an huſband, & he ſelleth the land to S. foꝛ money which ỹ wife receiueth, & A. at their requeſt infeffe the vendee, the huſbād dieth, the wife may haue a Subpena againſt the vendee, hauing notice hereof, oꝛ elſe againſt the feoffee foꝛ recompence: foꝛ this is the ſale of the huſband onely, 7.E.4.14.

N If Y. know that W. is infeoffed to mine vſe, oꝛ of my will, oꝛ hath goods giuen to him to mine vſe, and buy the lands oꝛ goods foꝛ money, a Subpena lieth againſt the vendoꝛ and vendee to perfoꝛme the will oꝛ vſe, 5.E.4.7. 11.E.4.8. Diuerſ. Cur 106. But againſt the vendoꝛ only if the vendee haue no ſuch notice, Diuerſ. Cur 106.

O A man by Subpena may enfoꝛce his feoffee of truſt to bꝛing actions in their names, 7.E.4.29. as treſpas againſt treſpaſſoꝛs, 11.E.4.8. yet if the feoffee had releaſed to the treſpaſſoꝛ, Ceſtuy que vſe had bin remediles, 11.E.4.8 oꝛ Aſſiſe, 2.E.4.2. oꝛ treſpas foꝛ goods giuen to his vſe taken away, 7.E.4.29. But not an appeale of Robberie, becauſe they be not compelable to ioyne battaile, 7.E.4.29.

P If a feoffement be made to the chiefe Lord, oꝛ others, to vſes, he may refuſe to execute the eſtate foꝛ extinguiſhing of his Seignioꝛie, and no Subpena lieth againſt him, 16.E.4.4.

Q The heire of the feoffee in truſt being in by diſcent is compellable by Subpena to execute an eſtate accoꝛding to the truſt, 22.E.4.6.

R If a wife will that her feoffees ſhall infeoffe her huſband, he may not compell them thereunto, foꝛ the will of a wife in this caſe is void, 18.E.4.11.

S If A. be bound to F. to the vſe of C. C. in Chauncerie may compell F. to ſue A. foꝛ the ſame, 2.E.4.2.

T If R. deliuer money to A. to deliuer to his executoꝛs oꝛ adminiſtratoꝛs to diſpoſe &c. and deliuer A. the ſame vpon bond to B. to keepe and redeliuer to him, R. dieth, his executoꝛs, oꝛ adminiſtratoꝛs may in Chācery compell A. to ſue the obligoꝛs foꝛ the money, 4.E.4.37.

V If P. be bound in a ſtatute ſtaple to I. and H, to the vſe of I, & H. releas P, no Subpena lieth againſt P. notwithſtanding that he had notice of thuſe, foꝛ euery man may lawfully aide himſelfe, 11.E.4.8. Diuerſ.

Cur.106. The like of an Obligation to two, to thuse of one, the remedie is against him that did so releas, Diuers.Cur.106. 11.E.4.8.

If A. be bound to B. to thuse of C. and B. release, C. may haue remedie therefore in Chauncerie, 7.H.7.11. W

If a man pay debt due by specialtie without an acquitance, or haue an acquitance, and loose it, he shall haue remedy in Chauncery, 22.E.4.6. 7.H.7.11. But it seemeth to be otherwise, if the debt be by matter of record, for else might all Records be auoided by witnesses which would distroy the common Law, 22.E.4.6. Diuers.Cur.106. D. and S.lib.1.cap.12. X

A Subpena lyeth on a promise or agreement by word: as to build a house, or do any other lawfull act, 8.E,4.4. Diuers.Cur.105. Y

An action lieth against Executors in Chaūcerie vpon a simple contract without specialty, 7.H.7.11. Z

If there be 2. obligors, and the obligee giue longer day of payment to thone of them, & sue thother, he may haue a Subpena, 6.E.4.41. aa

If goods be giuen to defraud creditors, they may haue remedie in Chaūcerie against the donees, or such as haue the possessiō of the goods, 16.E.4.9. bb

If a man be suertie for an others debt, and the debtor, and others be bound to saue the suertie harmeles, & the suretie haue also goods deliuered by the debtor to saue him harmeles: Notwithstāding the suerty pay the debt, yet if he sue his Obligation, the debtor may haue a Subpena for restitution of his goods so pawned for the same, least he should be twice charged therefore, 16.E.4.9. cc

If a man buy a debt due by obligation, and be bound to pay a summe of money to the vendor for it: yet for so much as the thing sold is chose in action in the vendee he can haue no propertie, and therefore hath not quid pro quo, the vendee may be relieued in Equitie for his owne obligation, 37.H.6.13. dd

And for euidence whereof the plaintife knoweth, neither the certain contents nor contentment, he may haue remedy in Chauncery, Diuers. Cur.105. ee

Learne whether if a transitorie personall action be sued in a forein Countie, the defendant may stay the plaintife in Chauncerie by Iniunction, Diuers.Cur.106. ff

So necessarie be the remedies in Chaunceri e vpon equities allowed by law, that it seemeth to some not inconuenient to haue assigned such remedies for the 7. ground of the Lawes of this Realme, which are said to consist of 6. grounds onely: First the Law of Reason, 2. The Law of God, 3. Generall Customes of the Realme, 4. Principles or Parims of Law, 5. Particuler Customes vsed onely in certein places gg

of

of this Realme, 6. Acts of Parliament, Doct. & Stu. Lib. 1. cap. 3. 4. 5. 6. 7. 8. 9. 10. 11. and 17.

hh If a man bound in a single Obligation or bill of debt, pay the money according to the bond, neither taking an acquitance thereof, nor cancelling the specialtie of the same, he is by the common Law chargeable to pay the same debt againe, by vertue of the said specialtie: But may haue remedy thereof in the Chauncerie, Doct. Stu, Lib. 2. cap. 6. 1, H. 7. fol. 14.

A ¶ A view of certeine cases wherein the partie grieued seemeth wronged in Conscience, and yet is remediless in Chauncery. Sect. 19.

B OF an vniust wager of Law in an action of debt vpon a simple cõtract, Doct. Stu. Lib. 1. cap. 18.

C Of a false verdict by a graund Jurie in Attaint, Doct. Stu. Lib. 1. cap. 18.

D For damages where a man hath right or title to land in the possession of another, and may by action recouer, onely the land but no dammages, for the meane occupation there is no remedie for the same damages in Chauncerie: As if the tenant in taile be disseised, and the disseisor die seised, and his heire is in by discent, against whom the issue in taile bringeth a Formedon, he may recouer the land, but no damages, D.S. lib. 1. cap. 19.

E A man may not deny that which he hath once affirmed of record, in a Court of Record, nor affirme that which he hath once denied of record in a Court of Record, nor that whereof he wilfully estopped or excluded himselfe by deed indented, or otherwise: As if a daughter which is sole heire to her father sue liuerie with her bastard sister, she is remediless by law, D.S. lib. 1. cap. 19.

F If a thing be found by verdict against trueth before iudgement, D. S. lib. 1. cap. 19.

G Where the cause of the law ceaseth, the law also ceaseth in conscience: As lessee for yeares recouereth by iudgement treble damages for a trespas of wast done by an estranger, And he in the reuersion dieth before his action of wast be ended, yet in conscience he ought to sue execution for his single damages, for he had no more hurt thereby, D.S. lib. 1, cap. 19.

H A Law grouñded vpon a false presumption is not to be holden in conscience, D.S. lib. 1. cap. 19.

I Conscience may not preuaile against a lawfull Custome, either generall or particuler: As in discents of lands to the eldest sonne by the common Law, to the yongest by Borough English, and to al by Gauelkind, D.S. lib. 1, cap. 19.

So if a man without consideration make a deede of feoffement of two acres of land, lying each in a seuerall Shire, and make liuery of seisin in thone acre onely in the name of both, that wherein liuerie of seisin was made, onely palleth in law and conscience. Doct. St. lib. 1. cap. 20. K

If one Iointenant of a wood sell the wood, and keepe all the money receiued for it wholly to himself, his fellow may haue remedy in Chancerie, lib. 1. cap. 19. And so it seemeth, if they were Iointenants in common, or Coparceners of other things. L

If a common person of his mere motion without other consideratiõ make a feoffement of a manor, without these words, (with the appurtenances) he hath right onely to the demeanes and cõmons, and rents, of the attournement: but neither to Aduowson appendant, nor villein regardant. But in the Kings case, notwithstanding the words (with thappurtenances) were in the graunt: yet neither Aduowsons, nor Villeines do passe, either by Law or conscience, vnlesse they be especially named, D.S. Lib. 1. cap. 19. 6. E. 3. 286. Regist. fol. 228. Fundamenta Legum fol. 70. 43. E. 3. 22. M

If a lease for yeares be reseruing rent, with a clause of reentrie, the rent is behind, the lessor dieth before demaund, the heire can neither enter by law nor conscience: Otherwise if he made a lawfull demaund thereof, D.S. lib. 1. cap. 20. N

If tenant in Dower sow the land and die before the Corne be reaped, his executors shall haue the Corne: but not the grasse, nor other fruits, D.S. Lib. 1. cap. 20. O

If tenant for life, or tenant in taile after possibilitie of issue, alien in fee, he in the reuersion or remainder may enter, and haue the land by the forfeiture, in law and conscience, D.S. Lib. 1. cap. 20. 45. E. 3. 3. P

Euery Law ordeined for the disposition of lands or goods, contrarie neither to the Law of God, nor to the Law of Reason, bindeth in the Courrt of Conscience, D.S. Lib. 1. cap. 20. Q

Whether one of the age of xx. yeares, who hauing reason and wisdome to gouerne himselfe, selleth his land for money, and therewith buy other lands of better value, and taketh the profits thereof, may haue his first land againe in conscience, as he may in law, repaying the money which he receiued: Yet seemeth he may, because the contract is insufficient by reason of the infancy. D.S. lib. 1. cap. 21. R

If a man sell his land by a sufficient and lawfull contract, though he want liuerie or attournement, or such other solempnities of the Law, yet the sellor is compelable in the Chauncerie to performe the contract, D.S. lib. 1. cap. 21. S

If the tenant for life impanelled on an Inquest loose issues & die, they are leuiable by law on him in the reuersiõ. And so be the husbands issues T

after

after his death vpon the wiues land, and as it seemeth in Conscience, for the necessitie of the execution of Justice. D.S.lib.2.cap.21.

V No man is bound in Conscience to pay the penaltie of a penall statute, nor other penaltie vntill it be lawfully recouered against him. D. S.lib.1.cap.23.

W If A. infeoffe B. in fee of land vpon condition, that if he infeoffe any other, that A. and his heires may enter: this condition seemeth void in Law and Conscience, because it is contrary to the Martines of the law, notwithstãding thintent of the parties, for thintent must be ordered by law, & if it be not, it is void, as by a feoffement of lands without recompence to A. for euer, he hath estate for life onely, for want of the word (heires) And a Lease to A. & his heires for 11. yeares, shall go to his executors, because it is a chattel, & so by feoffement without recõpence to a man & his wife & a third person, the husband & wife take only the moitie, because they are but one person in law. D.S.lib.1.cap.24.

X A fine with proclamation & no claime within v. yeres extinguisheth the right of all estrangers, aswell of the parties by law.

Y And by Conscience also as it seemeth, because thereby the right and title is made certaine, and thereby the common wealth more quiet, and it is not contrarie to Gods law. Doct.& St.25.

Z Common recouery with vouchers vpon writs of Entre orderly pursued, and no recouery in value to be had in deed barre thissue in taile in law, 23.H.8. Br.Taile 23. 14.E.4.14.& 19. 13.E.4.1.

aa And in conscience as it seemeth, for as the intailes are made by law, West.2.ca.1.euen so by law may they be annulled. And such Lawes as concerne right or propertie to things, and be not contrarie to the lawes of God, or of reason, are good in conscience. D.S.lib.1.cap.6.

bb If a disseisor giue the lands to I.S. in taile, & he graunteth vnto the disseisee rent out of the same lands, in consideration wherof the disseisee releaseth his right, this graunt bindeth the issue in taile for euer in law and conscience, because this release doth confirme his estate which the disseisee might else haue defeated. D.S.Lib.1.cap.27.44.E.3.22.

cc If the bodie of a debtor that hath nothing, be by iudgement imprisoned vntill he pay his debt, hee seemeth remedyleſſe in Conscience. D.S.lib.1.cap.29.

dd A recouerie with vouchers of an annuitie intailed, bindeth thissue in taile neither in law nor conscience, because a writ of Entre doth not lie for an Annuity, nor any other writ then only a writ of Annuity against the person of the grantor or his heire, hauing assets by discent: Or against a Corporation, if it be graunted to be perceiued out of their cofers, for that an Annuitie is no freehold in law. D.S. lib.1.cap. 30. 44. E.3.5. 2.H.4.13. Fitz.Na.br.fol.152.

If tenant in taile be disseised and die, and a collaterall auncester to ee
the heire in taile release to the disseisor with warrantie and die, and the same warrantie discend vpon the said heire, he is barred in law and conscience. D.S. cap. 31. 35. H.6.63. 41. E.3.7. 45. E.3.23. 19. H.6.59. 15. H.7.9. & 10. 21. H.7.39. 3. H.7.9.

Tenant in taile after possibilitie of issue is dispunishable for wast by ff
law and conscience, because he had once inheritance, 45. E.3.3. 39. E. 3.16. and thereby power to wast without punishment, which power endureth so long as his estate, D.S. lib. 2. cap. 1.

If a man be outlawed before he haue knowledge of the suit, albeit gg
the surmised cause of action be vntrue, yet the Queene may haue his goods by Law and conscience, by reason of his disobedience in not appearing, to the hindrance of the effect of law, for he is bound to take notice of the suit being of record at his perill. And the forfeiture groweth by a generall Maxime made for the necessarie execution of Iustice: But it seemeth the defendant may haue remedie in conscience against him which caused him to be outlawed without iust cause. D.St. lib. 2. cap. 3. 21. H.7.7.9. H.6.20.

If an estranger do wast lands which another holdeth for yeares, hh
life, in dower, or by the curtesie, without the tenants assent, the owner of the reuersion may recouer the place wasted, and treble dammages against the tenant in law.

And in conscience notwithstanding that the stranger be insufficient ii
to recompence him for the same, for it is his owne act and follie to take such estate subiect to the chance. D.S. lib. 2. cap. 4.

If a real action be brought by a very lawfull heire, and yet bastardie kk
being pleaded in him, he is vntruely certified by the Ordinarie to be a bastard, and so barred, the tenant knowing this certificate to be vntrue, ought not in conscience to reteyne the land, yet is there no remedie for him in law, nor in Chauncerie, as it seemeth for that the Bishops certificat is the highest triall that the law affordeth in this behalfe. And euery stranger may take aduantage of this certificate, and no moe writs may be awarded for further trialll of the trueth thereof, for the auoyding of the incōuenience which might happen, if another Bishop should certifie such bastard to be legitimate. D.S. lib. 2. cap. 5.

If a feoffement in fee be made without deed, or a gift in taile, or a ll
lease for life, the remainder ouer in fee: Or if tenant for life graunt his whole estate by deed Poll, reseruing rent, in these cases the reseruation is void in law, and there is no remedie therefore but in conscience. D.S. lib. 2. cap. 9.

Learne whether Executors or Administrators hauing assets, be mm
compellable in Chauncerie to make amends for trespasse done by their testator,

teſtator, or to pay debt due by him vpon a ſimple contract, Do. St. lib. 2. cap. 10.

nn If tenant in fee haue two ſonnes and die, and I. S. abate and thelder ſonne make his executors and dieth, and the yonger recouereth againſt the abator in Aſſiſe of Mortdaunceſter the lands and damages from the death of his Father, the executors of the elder brother haue no remedie for the damages accrued in his life time, as it ſeemeth. Do. & Stu. lib. 2. cap. 13.

oo Tenant in dower hath no remedie in Equitie againſt the alienee of her husband for damages growing betweene his death and her demaũd, D.S. lib. 2. cap. 13.

pp Tenant for life diſſeiſed dieth, his diſſeiſor dieth, his heire entreth, againſt whom the owner of the reuerſion recouereth the landes, but no damages by law nor Equitie, D.S. lib. 2. cap. 13.

qq If a man ſeiſed of lands knowing that an other hath good right thervnto, leuieth a fine with proclamation to extinguiſh ſuch right, And maketh no claime within v. yeres, he is remedileſſe in law and Equitie, D. S. lib. 2. cap. 14.

rr A man ſeiſed of lands in fee hath a daughter, ſhe marieth and hath iſſue, & her father dieth, the husband ſo ſoone as he knoweth of his fathers death, hasteth to take poſſeſſion of the land, but before he come to it, his wife dieth, he ſhal not be tenant by the Curteſie of England, by law nor conſcience, becauſe he had not actual poſſeſſion thereof in the life time of his wife. D.S. lib. 2. cap. 15.

ss If without conſideration a new rent be graunted without deede, or a reuerſion without attornement, the grauntee is remedileſſe, Do. St. lib. 2. cap. 15.

tt A man ſeiſed in fee of lands holden by Knights ſeruice, deuiſeth the whole to A. B. the deuiſee thereof is remedileſſe for a third part thereof, for that there is no Maxime in law for him, D.S. li. 2. ca. 15.

uu If the tenant make a feoffement of the land which he holdeth by priorite, & taketh eſtate thereof backe againe and dieth, the Lord of whom he held by priority is remedileſſe, D.S. lib. 2. cap. 15.

ww If the grauntee of a rent charge take a feoffement from the grauntor of parcel of the lands charged to his owne vſe, the whole rent is extinct by the vnitie of poſſeſſion, becauſe ſuch rent is againſt common right: And the law deemeth it his owne folie to accept the feoffement, and neither his ignorance of the deede, nor of the law can helpe him. D.S. lib. 2. cap. 16. & 17. Yet Quære in Equitie, becauſe the grauntor himſelfe is priuie to the ſaid feoffement. D.S. lib. 2. cap. 17.

xx A. graunteth a rent charge out of two acres of land vnto B. and then infeoffeth H. of the one acre in fee to his vſe, and after H. intending to extin-

extinguish the whole right, causeth the same acre to be recouered against him, by common recouerie in a writ of Entre sur disseisin in le Post, in the name of the said grauntee (not knowing thereof) and of an other man, who by force thereof entreth and dieth, so that the grauntee is sole seised of all the same acre by suruiuor, to thuse of the said H. The whole rent is hereby extinct by law through the vnitie of possession, though the vse be to H. & it is also extinct in conscience as to the grauntor, because he is neither party nor priuie to that by which the extinguishment groweth. But Quere whether in conscience the grauntee ought to haue the whole rent of H. who caused the said recouerie to be so had. Do.S. Lib. 2. cap. 17.

If a Villein graunted for life, purchaseth lands in fee, and the grauntee entreth before the villein alieneth the same, the grauntee shall haue the land for euer as a perquisite, by reason of the villein. And this both by Law 5.E.4.61, and by conscience, D.S. lib. 2, cap. 18. Perkins Sect' 94.95.96.& 97. yy

If one haue a villein for yeres, as executor, who purchaseth lands in fee, the executor by law and conscience shal haue the same lands in fee to the behoofe of his testator, and they shall be deemed assets in his hands, D.S. lib. 2, cap. 18. because he hath them by reason of his villein. zz

If a Lawier ignorantly or affectionately giue wrong counsel to his client, who followeth it to his trouble and losse, yet is he remediesse as it seemeth, D.S. lib. 2. cap. 19. Therefore it is good to aske aduise of none but such as be learned in the Lawes, and of good conscience. 1

If a man without consideration giue landes by Indenture to H. and his heires, vpon condition, that if he pay not vnto I.S. x.li. rent yerely, that then the said I.S. may enter &c. which rent is not paid, yet the said I.S. may neither enter by law nor conscience, because he is neither party nor priuie to the said condition, notwithstanding the intent of the giuer, for such intent being not grounded vpon the law is void. D.S. lib. 2. cap. 20. Plo. 25.B. But the feoffor as it seemeth may lawfully reenter, because the words of the Indeuture implie a condition in law to that effect, D.S. lib. 2. cap. 23. 2

If a man without consideration confirme the estate of his lessee for life, the remainder to another in fee, this remainder is void in law and equitie, because a Remainder cannot commence, but at the same instant that the particuler estate, whereupon it dependeth began D. S. lib. 2. cap. 20. Plow. 25.b. yet the feoffor and his heires in this case may enter for the breach of the said condition. 3

If by a feoffement indented it be agreed that the feoffee shall yerely pay to A.B. and his heires a certein rent, and that if he pay it not, that A. B. and his heire may enter &c, albeit the feoffee pay not the money, yet 4

may

may neither the ſaid A.B. nor the feffor enter, for that there is no clauſe of reentre in the ſaid deede. Howbeit it ſeemeth he may haue remedy in Chancerie for the ſaid yerely payment. D.S.li.2.ca.21.

5 If A. promiſe to giue vnto B. a ſumme of money, or other thing of meere motion without any conſideration, the partie is not bound to performe this promiſe either by law or in Chaũcerie, becauſe it is Nudum pactum, D.S.lib.2.cap.24.

6 If A. promiſe to giue B. x.s. in conſideration of a treſpas by him done vnto B. yet A. is not thereby bound in law nor conſcience, becauſe this is an accord, for which none action lieth. And notwithſtanding this accord, B. may haue his action for the ſaid treſpas, becauſe the concord is executorie, D.S.lib.2.24.

7 If a man haue one ſonne before mariage, and an other after, and bequeathed all his goods to his ſonne and heire, it ſeemeth both in law and conſcience, that the ſonne borne after mariage ſhall haue the goods, for he is heire by the common Lawes of the Realme, of which the Spiritual Judges are bound to take notice, and to giue ſentence accordingly of temporal things: Notwithſtanding that by the common Lawes the other ſonne is legitimate and the teſtators heire, for the auoiding of the inconuenience which might happen by the contrary iudgements in ſeuerall Courts. In like maner temporall Judges ſeeme bound in conſcience to take notice of the common Law, when they are to Judge ſpirituall things, and to order their Judgements according to the ſame, D.S.lib.2.ca.25.

8 Jointenants and tenants in common of an Aduowſon, muſt within vi. Monethes after auoidance agree and ioine in preſentment of their Cierke. And the eldeſt ſiſter of Coparceners muſt preſent firſt, and then the ſecond, by turne, or by ſuch compoſition as they make thereof, except the yongeſt coparcener be the kings ward, in which caſe the preſentmẽt belongeth to the king. And if they keepe not this courſe of preſentment within the ſixe Monethes, they looſe their preſentment for that time. And the Ordinary may preſent by Laps both in law and conſcience, D.S.lib.2.cap.33.

9 And if the auoidance be by death, ceſſion, or creation, the 6. Monethes commence at the death, creation, or ceſſion, & the patron is bound to take notice thereof. And if by reſignation or depriuation, then from notice thereof giuen by the Ordinary to the Patron. If by vnion, from the agreement how they ſhall preſent, D.S.lib.2.cap.31.

10 The wife ſuruiuing her huſband which tooke a leaſe for yeres, or life, in both their names, may lawfully and with good conſcience waiue and relinquiſh it: So may an Executor refuſe a terme made to his teſtator, if he haue not aſſets, Do.St.lib.2.33.

If

If A. infeoffe an Abbot by deede indented vpon condition, and the Abbot onely perfoꝛmeth not the condition, the feoffoꝛ both in law and conscience may reenter and haue his land againe as in his foꝛmer right. D. S. lib. 2. 34. 11

Warrantie collaterall.

A Man seised of lands in fee hath issue two sonnes, the elder bꝛother goeth beyond the Sea & remaineth there vntil it be commonly reꝑted that he is dead, the father dieth, the yonger bꝛother entreth into his lands as his heire, and alieneth with warrantie, and dieth without issue of his body, leauing no land to discend to his nexꝛt heire, and afterwards the elder bꝛother returneth and claimeth the landes in his owne right, yet is he barred by Law and conscience, foꝛ that it is the act of his auncester whose heire he is, by whom as he might haue had aduantage to haue had his lands by discent, from him as his heire, if he had had any, so it seemeth reasonable, that foꝛ the ꝑiuitie of bloud he sustaine disaduantage by him, because both the seller and the buyer were ignoꝛant of the elder bꝛothers life and right, by reason of his owne absence. D. S. lib. 2. cap. 49. Litt̄ sect̄ 704. 705. 707. But if such heire were vouched by foꝛce of such warranty, he might enter into the warrantie, as one that hath nothing by discent from that auncester, and so auoid the warranty. 12 13

Debt against one as heire.

If the father bind him and his heires foꝛ the payment of a debt, & die, leauing assets by discent to his sonne & heire, he is bound to pay the debt by law and conscience, because he hath such benefit by him, Do. St. lib. 2. cap. 49. 26. H. 8. fo. 1. 40. E. 3. f. 38. 12. E. 3. f. 9. 13. E. 3. fo. 14

It is agreable both with law and conscience, that a man outlawed either in felonie oꝛ in actions personals, shall foꝛfait & loose all his goods, because it is so oꝛdeined foꝛ the necessitie of the admnistratiō of Justice, D. S. lib. 2. ca. 49. 43. E. 3. fo. 18, 21, Ass. 21, 39. H. 6. fo. 26, 21. H. 7. f. 7. 49. E. 3. f. 5. 16. E. 4. fo. 6. 15

The like is of foꝛfaiture of goods attached by default of apparance, aswel in Court Baron as in Courts of Recoꝛd, 28. H. 6. fo. 34. H. 6. fo. 29. and 40. 21. E. 4. fo. 78. 16

A man is disseised of landes, the disseisoꝛ selleth the land, the alienee knowing of the disseisin, obtaineth a release with warrantie from a collateral auncester of the disseisee, who also knoweth that the disseisee hath good right and title to haue the same landes, that collaterall auncester dieth, the warrantie discendeth vpon the disseisee as his heire without assets, yet the disseisee is barred by law and conscience, foꝛ it were inconueniēt that such releases & other wꝛitings should be auoided by such allegations of conscience. D. S. lib. 2. ca. 50. Litt̄ sect̄ 707. 17

If

18 If a feme couert being of full age leuie a fine by her husbandes compulsion, yet after his death she shall neuer for that cause by law nor conscience, be admitted to auoid such fine, for the incõuenience which might thereof ensue, if by such nude auerments, matters of record should be auoided. D.S.lib.2.cap.50. 7.H.4.fo.23.

19 If goods be wrecked vpon the Sea, that is, where goods be cast or come into the Sea by shipwracke, so that no man, dogg, or catt, come aliue to the land out of the ship or barge wherein they were caried (which is deemed a Wrecke, West.1.cap.4.) and the owner thereof prooueth them not to be his within a yere & a day after such wrecke, then the Q. ought to haue them both in law & conscience, because she is soueraigne head of the people, and owner of the narrow Seas, and is to scower thẽ (as it seemeth) from pyrats, & because the property of goods must needs be in some person, otherwise they would perish, which were against the weale publique, & in this case the first owner of the goods is vnknowen. And the like is it, of an Estray, or Deodand: But not of goods voluntarily weyued, or casually lost and found by others, for in these two last cases, the propertie remaineth still in the first owners, D.S.lib.2.cap.51. 35.H.6.fol.27.

20 The like seemeth to be where a subiect hath wreckes by prescription, 11.H.4.fo.16.

Nowe that wee haue partly seene where a Subpena lieth, and where not, let vs set downe somewhat of the ordinarie proceeding thereupon.

Of the ordinarie proceedings in the high Court of Chauncerie.

A FIrst the partie greeued takes out his writ of Subpena against the partie or parties offending, which Subpena is in hæc verba. Sect. 20.

B Elizabeth Dei gratia Angl', Franc' & Hiberniæ Regina, fidei defensor &c. A.C. salutem. Quibusdam certis de causis coram nobis in Cancell' nostra propositis. tibi præcipimus, firmiter iniungentes quod omnibus alijs pretermissis, & excusatione quacunque cessante, in propria persona tua sis coram nobis in dicta Cancellar nostra a die Paschæ proxiñ futur in vnum mensem vbicunque tunc fuerit, ad respondend' super hijs quę tibi obijcientur tunc ibidem. Et ad faciend' vlterius & recipiend' quod Curia nra considerauerit in hac parte. Et hoc sub pena centũ librar nullatenus omittas. Et habeas ibi hoc breue. Teste me ipsa apud Westiñ xij. die Feb. Anno Regni nostri tricesimo sexto. A subpena to aunswere.

Gorge &c.

C But if the defendant be a Noble man, then no Subpena is awarded, but a letter by the L. Chauncelor, or L. Keeper, thus.

After

A letter to a noble man in steed of a subpena to aunswere.

After my verie hartie cõmendations to your Lordship, whereas there hath bin of late a Bill of complaint exhibited into the Court of Chaunterie against you by H.D. gentleman, I haue thought good to giue you notice thereof, rather by these my priuate letters, then by awarding her Maiesties ordinarie proces: Wherefore these are to pray your Lordship to giue order for the taking out of a copie of a Bill, and for the putting in of your aunswere thereunto, according to the vsual course in such cases accustomed, at or before octabis Hillarij next ensuing. Of the which nothing doubting but that your L. will haue the care and regard which appertaineth, I leaue your L. to the most mercifull keeping of the Almightie. From Saint A. the ix. of May, 1594.

Your very louing friend
Io. Puckering.

The Superscription.

To my very good Lord, I. L. D. giue these.

Suerties to yeld damages to the def.

And it is to be noted, that by the Statute 15. H. 6. cap. 4. a Subpena D is not graunted without suerties to yeeld damages vnto the defendãt, if he be not vniustly vexed. And it were good to obserue this course, for auoiding of causelesse and trifling suites, to which most men be ouer prone.

Costs for default of a bill.

Yet if the defendant doe appeare at the returne of the Subpena, and E no Bill be put into the Court by the plaintife against him, then costes are to be graunted for such wrongfull veration. And thereupon he may haue a Subpena ad soluend' for the same costs in forme following.

Sect' 21.
A Subpena for costs.

ELizabeth Dei gratia Angl' &c. I.S. salutem &c. vsque firmiter iniun- F gentes, quod tu soluas, vel solui facias R.N. xl. s. qui per considerationem domini Cancell', vel domini custod' magni sigilli, & cur̃ Cancell' nostr̃ prædict' eidem R. adiudicat̃ fuerunt pro missis & expensis suis quæ ipse sustinuit ratione & occasione cuiusdam queremon̄, quam tu erga eundem R. in Cancell' nostra præd' minime prosequereris cum effectu, iuxta formam statuti inde edit̃ & prouisi, vel tu ipse sis coram nobis.

Or thus, pro expensis soluend'.

Quod tu soluas, vel solui facias præfat̃ R. xl. s. qui eidem R. adiudicati G fuerunt in Cancellaria prædict' pro expensis suis occasione iniuste vexationis quam ipse nuper indebite sustinuit in quadam billa versus ipsum R. in eadem Cancellaria ad prosecutionem tuam nuper fact̃, iuxta formam &c. *vt supra*.

Or thus.

Quæ sustinuerunt occasion̄ cuiusdam breuis nostri de Subpena eis di- H rect' ad sect' tuam prosecuti ad comparand' coram nobis in dicta Cancell'

cell' noſtra ad certũ diem iam preteritum, pro eo quod tu ad diem in dicto breui contenẽ aliquam billam ſiue materiam verſus eos minime exhibueris, vel tu ipſe ſis &c. Per Cancell'.

I Although the writ import, that the Bill is put in before the taking out of the ſame, yet if the plaintife put in his Bill by the returne of the writ, it is ſufficient and no further proces paſſe. And although the writ mention the paine of C. li. or ſuch like, yet if the defendant do not appeare at the returne of the writ, either by himſelfe or his Atturney, the ſaid paine is not forfaited or leuiable, for it is in terrorem tantum, 8. E. K 4. 6. 10. H. 7. 4. Then vpon Oth made before ſome Maſter of the Chãcerie for the ſeruing of the ſubpena, which Oath muſt be, that it was ſerued on the defendant himſelfe, or at his dwelling houſe, ſo that hee might haue notice therof, or that the deponant did ſee another ſerue the ſame, as aforeſaid, or that the defendant confeſſed to the deponent, that he was ſerued, an Attachment ſhalbe awarded againſt the defendant as is ſaid, in hæc verba.

The time to put in the Bill.

Paine in the writ not forfaited.

Oath for ſeruing the Subp.

Of an Attachment.

A ELizabeth &c. *vt antea*, vic' South. ſalutem, Præcipimus tibi quod attachias A. C. Ita quod eum habeas, coram nobis in Cancellaria noſtr̃ in craſtino ſanct' Trinitatis proxim̃ futur̃ vbicunq; tunc fuerit, ad reſpondend' nobis tam de quodam contemptu per pref. A. C. nobis illat̃ vt dicitur, quam ſuper hijs que ſibi obijcientur tunc ibid'. Et ad faciend' vlterius & recipiend' quod Cur̃ noſtra conſiderauerit in hac parte. Et hoc nullatenus omittas. Et habeas ibi hoc breue. Teſte &c. Sect' 22.

And if the defendant cannot be found vpon the Attachment, and that the Sherife returne, quod def. non eſt inuent̃ in balliua ſua, ſometimes the Court vpon motion will (if the plaintifes ſuit be for the ſtay of ſome ſuit or action of extremity at the common law) ſtay the defendants ſuit, vntill he hath anſwered the plaintifes bil, and ſatisfied the Court for his contempt, but in ordinarie cauſes the party proceeds to his Attachment with proclamation which followeth in hæc verba.

Non eſt inuẽtus returned

Of an Attachment with Proclamation.

A ELizabeth &c. Vicec' S. ſalutem, Precipimus tibi, quod in omnibus & ſingulis locis infra balliuam tuam, tam infra libertates quam extra, vbi magis expedire videris, ex parte noſtr̃ publice proclamari fac', quod A. B. ſub pena ligeantiæ ſuæ coram nobis in Cancellar̃ noſtra in octab. Sancti Michaelis proxim̃ futur̃ vbicunque tunc fuerit perſonaliter compareat, & nihilominus ſi ipſum A. B. interim inuenire poteris, ipſum attach. Ita quod eum habeas coram nobis in dicta Cancellaria noſtra ad diem prædictum, ad reſpondend' nobis tam de quodam contẽptu per præfat̃ Sect' 23.

præfat̃ A. B. nobis illat̃ vt dicitur, quam ſuper hijs que ſibi obijcientur tunc ibidem. Et ad faciend' vlterius & recipiend' quod Cur̃ia noſtra conſideraverit in hac parte. Et hoc nullatenus omittas, Et habeas ibi hoc breue. Teſte &c.

An Attachment in the Cinque ports.

Sect' 24. REgina &c. predilecto & fideli ſuo W. Brooke Milit̃ dño Cobham Conſtabulat̃ caſtri ſui Douor̃, ac deputato ſuo in officio cuſtodis quinque portuum ſuorum ſalutem, vobis mandamus quod ſub ſigill' officij veſtri balliuo libertatis ville de Haſtings vel Maiori vel Iuratoribus antique ville detis in mandatis quod attach. H. S. Ita quod eum habeat &c. A

An Attachment in the Countie palantine of Lancaſter.

Sect' 25. REgina &c. Cancellario ſuo ducatus ſui Lanc' vel eius deputato ibidem ſalutem, vobis mandamus quod per breue noſtrum ſub ſigillo noſtro com̃ noſtri ducatus prædicti vic' noſtro eiuſdem com̃ detis in mandatis quod attach. R. S. Ita quod eum habeat coram nobis in Cancellar̃ noſtra in quindena Paſchæ proxim̃ futur̃ vbicunque tunc fuer̃ ad reſpondend' nobis tam de quodam contemptu per præfat̃ R. S. illat̃ vt dicitur quam de alijs ſibi tunc ibidem obijciend' & ad faciend' vlterius & recipiend' q̃ cur̃ noſtra conſiderauit in hac parte. Et hoc nullatenus omittat & habeat ibi breue quod ſibi inde deuenit. Teſte &c. A

The attachment for coſts is of the ſame forme of the Attachment next before (verbatim) and is thus indorſed, viz. Per Cur̃ ad ſectam A. B. quia non ſoluit expenſis. And if the Attachmẽt be awarded againſt any dwelling within the Countie Palantine of Cheſter, then it is directed to the Chamberlaine of the countie Palantine of Cheſter, and is of this forme enſuing. B

Sect' 26. ELizabeth dei gratia Angl', Franc', & Hiberniæ Regina fidei defenſor̃ &c. Camerario ſuo Ceſtr̃, Salutem, Mandamus vobis quod per breue noſtrum ſub Sigillo noſtro comitat̃ noſtri Palatini Ceſtr̃ detis in mandat̃ vicecom̃, com̃ prædict' quod attachiat R. M. geñ. Ita quod eum habeat̃ coram nobis in Cancellar̃ noſtra in quindena Paſchæ proximo futuro vbicunque tunc fuer̃ ad reſpondendum nobis tam de quodam contemptu nobis per præfatum R. illat̃ vt dicitur quam de alijs tunc ibidem obijciendum. Et ad faciendum vlterius & recipiendum quod curia noſtra conſideraverit in hac parte, Et hoc nullatenus omittatis. Et habeat ibi hoc breue. Teſte me ipſa apud Weſtm̃ 14. die Martij, Anñ Regni noſtri decimo octauo. A

W. Cordell.

And

And the attachment is endorſed as followeth. Endorſement.

Per curiã ad ſectam I.B. & alijs quia non ſoluit expenſis.

The returne of the Attachment by the Chamberlaine.

Reſponſio Ro. comit̃ Leiceſtr̃ camerar̃ com̃ Pallantiñ Ceſtr̃.

Virtute iſtius breuis mihi direct̃ p breue dñe Regine ſub ſigillo com̃ Pallentiñ præd' dedi in mandat̃ prout vlterius mihi præcipitur vic' comitat̃ præd' qui mihi ſic reſpondit vt ſequitur.

The Sherffies returne to the Chamberlaine.

Infranominat̃ R.M. non eſt inuentus in balliua mea.

Ro. St. miles vic' com̃ Ceſtr̃.

And if the Sheriffe returne, quod def. non eſt inuent̃ in balliua ſua, vpon that proclamation, then a Commiſſion of Rebellion inſueth as followeth, to ſuch Commiſſioners as the plaintife nameth.

Of a Commiſſion of Rebellion.

A ELizabeth &c. dilectis ſibi A.B. C.D. E. & F. ſalutem. Quia A.B. cũ per publicas proclamationes per Vic' South, in diuerſis locis eiuſdẽ Comit̃, virtute breuis nr̃i eidẽ vicecom̃ direct̃, ex parte nr̃a præceptum fuerit, qd̃ idem A.B. ſub pena ligeantię ſuæ coram nobis in Cancell' noſtra perſonaliter compareret. Mandato tamen noſtro in ea parte parere manifeſte contempſit. Ideo vobis coniunctim & diuiſim mandamus, quod præfat̃ A.B. vbicũq; fuerit inuent̃ infra Regnum Angl' tanquam Rebellem & legis noſtræ contemptorem attach. vel attachiari facias. Ita quod eum habeatis, vel habere faciat̃ coram nobis in dict̃ Cancell' noſtr̃ in Craſtiñ animarum proxim̃ futur̃ vbicunq; tunc fuerit, ad reſpondendum ſuper hijs quæ ſibi obijcientur tunc ibidem. Et ad faciend' vlterius & recipiend' quod Cur̃ noſtr̃ conſiderauit in hac parte. Et hoc nullatenus omittat̃. Damus enim vniuerſis & ſingulis Vicec', Maioribus, Balliuis, Conſtabularijs, & alijs officiarijs, Miniſtris ligeis & ſubditis noſtris quibuſcunque, tam infra libertates quam extra tenore præſentium firmiter in mandatis, quod vobis & quilibet vr̃m in executionem præmiſſorum intendentes ſint, & aſſiſtentes in omnibus diligenter prout decet. In cuius rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte &c. Sect. 27.

A Superſedeas of the Commiſſion of Rebellion.

A REgina &c. dilectis ſibi A.B. armigero T.G. & H.S. generoſis ſalutem licet nos nuper per literas noſtras patentes vobis coniunctim & diuiſim mandamus qd̃ T.K. vbicunque inuent̃ foret infra regnum noſtrũ Angliæ tanquam rebellem & legis noſtræ contemptorem attachiat̃ vel attachiar̃ fac' ita qd' eum habetatis vel her̃i fac' coram nobis in cancellar̃ nr̃a ad certum diem in eiſdem literis patentibus content̃ Sect. 28.

ad reſpondend' nobis tam de quodam contemptu per præfat T.K. illat vt dicebatur, quam de alijs ſibi tunc ibidem obijciend', prout in eiſdē literis plenius continetur. Quibuſdam tamen certis de cauſis nos iam ſpecialiter mouentibus vobis & cuilibet vrm mandamus qđ cuicunque executioni literarū nrarum patēn prædict' per vos ſeu aliquem veſtrum fact' vel faciend' verſus prædict' T.K. ſuperſedeatis omnino prædictis literis patēn in contrarium in aliqua non obſtante. Et ſi ipſum T.K. pretextu literarum patēn prædictarum ceperitis ſeu aliquis veſtrum ceperit, tunc ipſum a priſona qua ſic detinetur ſi ea occaſione & non alia detineatur in eadem ſine dilatione deliberari faciat. Teſte &c.

A ſuperſedeas to the Chauncellor of the Countie Palantine of Lancaſter.

Sect. 29. REgina &c. Cancellar ſuo ducatus ſui Lanc' vel eius deputat ibidem ſalutem: Quia A.B. &c. vob' mandamus quod per brē nrm ſub ſigillo nro com ducat Lanc' cuſtodib' pacis nræ in dicto com Lāc' ac vic' eiuſdem com & eorum cuilibet detis in mandat &c. A

A Superſedeas to the Chamberlaine of the countie Pallantine of Cheſter.

Sect. 30. REgina &c Camarario ſuo Ceſtr vel eius locū tenenti ibid' ſalutem. Quia P.H. &c. vob' mādamus qđ p brē nrm com pd' tam Iuſtic' nris apud Ceſtr quā Iuſtic nris, ad pacem in com Ceſtr conſeruand' aſſignat ac vic' eiuſdem com & eorum cuilibet detis in mandatis &c. A

A Superſedeas of an Attachment.

Sect. 31. REgina &c. vic' W. ſalutem licet nos nuper per brē noſtrū tibi preceperimus qđ Attachiares A.R. Ita qđ eum haberes corā nobis in Cancellar nra ad certum diem in dicto brī content vbicunq; tunc foret ad reſpondend nobis tam de quodam contemptu per pfat A. illat vt dicebatur quam de alijs ſibi tunc ibidem obijciendum. Quibuſdā tamen certis de cauſis nos iam mouent tibi præcipimus quod execucioni brīs noſtri præd' verſus pfat A. fact vel faciend' ſuperſedeas omnino. Et ſi ipſum A. ea occaſione ceperis, tunc ipſum a priſona qua ſic detinetur ſi ea occione & nō alia detineatur in eadem ſine dilatione deliberari facias. Teſte &c. A

Of an Iniunction.

Sect. 32. AND if the partie defendant cannot be taken by the vertue of the ſaid Commiſſion: then if the plaintifes ſuite be for title of land, the Court ſome times graunts an Iniunction to the plaintife for poſſeſſion, till the defendant hath appeared, anſwered, and ſatiſfied his contempt. If for ſtay of ſuit at the common law, then an Iniunction vpon motion of the Court may be obtained: for the proceeding in this Court is, by the ſaid writs, and by orders, iniunctions, & decrees, which if the defendant reſiſt, his punishmēt for this reſiſtance, and for his contempt A

Puniſhment for the contempt.

tempt in not appearing, is imprisonment in the prison of the Fleete, as is said, during the Lord Chauncelor, or L. Keeper their pleasure, or vntill he wil obey and performe the order and decree of the same Court, 37.H.6.13.and 14. 39.H.6.26.

Of Apparance.

A BVt if the defendant appeare by Atturney, vpon Affidauit or oath made, that the defendant is not able to trauaile for the aunswering of the same cause personally in the Chauncery without daunger of life, or by reason of extreame age, or other infirmitie, or reasonable cause, then or otherwise the Chauncelor or Lord Keeper, or the Master of the Rolles by their discretions, may, and often doe graunt Commissions to certein Gentlemen of credit in the Countrie where the defendant dwelleth, to receiue and certifie his answere in writing, including the complainants bill within the same Commission. The forme of such Commission insueth. Sect.33. Affidauit of vnablenes to trauaile.

Of a Dedimus potestatem *or Commission to receiue an aunswere.*

A REgina &c. Dilectis sibi W. S. & A.B. armigeris salutem. Cum I. B. quandam petitionem coram nobis in Cancellar versus W. C. & I. vxorem eius nuper exhibuit quodque eisdem W. & I. per breue nostrum præceperimus, quod essent coram nobis in dicta Cancellar nostra ad certum diem iam præteritum, peticioni prædict responsur. Ac ijdem W. & I. adeo impotentes sui existant, quod vsque cur Cancell' nostram prædict' ad diem illum ad responsiones suas eidem peticioni faciendas absque maximo corporum suorum periculo laborare non sufficiunt vt accepimus. Nos statui eorundem W. & I. pie compacientes atque de fidelitatibus vestris plenius confidentes, dedimus vobis vel duobus vestrum potestatem & authoritatem ipsos W. & I. de & super materia peticionis prædict' diligenter examinand'. Et ideo vobis vel duobus vestrum mandamus, quod ad certos diem & locum quos ad hoc prouideritis ad præfat W. & I. accedatis, si commode ad vos laborare non possint, ac ipsos W. & I. de & super materia petic' prædict' super sacrament sua coram vobis vel duobus vestrum corporaliter præstand' diligenter examinetis dictasque suas responsiones recipiatis & in scriptis redigat, & cum illas sic receperitis, eas nobis in Cancellar nostra prædicta cum tenore prædicto ac nomina Attorn suorum ad lucrand' vel perdend' in præmissis in octabis &c. vbicunque tunc fuerit sub sigillis vestris vel duorum vestrum plane distincte & aperte mittatis & hoc breue. T. &c. Sect.34.

B Which Commission is commonly returned with this indorcement.

Returne of the Commission.

Executio istius breuis (or) istius Commissionis patet in quibusdam scedulis eidem annexis, C

Adding the Commissioners names thus. D

W. S.
A. B.

And then to file the said Bill which is sent inclosed in the said Commission, and the defendant answere to the backeside of the same Commissiod. And vnder the said answere the Commissioners most commonly cause the defendant to subscribe his name, or to set his marke, & set downe thereunder also, these or the like words. E

Capta apud C. in com Eborum, 32. die A. anno Regni Elizab. Dei gratia, Angliæ, Franciæ, & Hyberniæ Reginæ fidei defensor &c. 36. cor nobis. F

W. S. &
A. B.

Deliuery of the Cõmission in Court.

The Commissioners subscribing their names also to the said answere. And when this or any other Commission retournable in this Court is executed & retourned, it must be brought into the same Court, eyther by one or mo of the Commissioners thereof, or by some other credible person: but if any other then some of the Commissioners doe put it into the Court, he must make oath that he receiued the same Commission, at the hands of some of the Commissioners thereof, and that by his consent, procurement, or knowledge, it hath not bin opened or altered since he so receiued the same. G

Oath.

Of a Supersedeas to stay the execution, of a Commission to examine witnesses.

Sect. 35.

AND yet some time vpon good cause a writ of Supersedeas is awarded to stay the execution of such and other Commissions in this forme following. A

Regina prædicto & fideli suo Io. domino Darcy, Ac dilectis G. F. A. E. & T. R. armigeris salutem. Licet nos nuper per breue nostrum assignauimus vos tres vel duos vestrum, ad quoscunq; testes super quibusdam Interrogat in dicto breui nostro intercluſ. pro parte W. W. quer, versus R. M. & I. S. defendentes. Ac quod vos examinationes testium prædictorum nobis in Cancellar nostram ad certum diem in dicto breui nostro limitat sub sigillis vestris trium vel duorum vestrum mitteretis, prout in eodem breui nostro plenius continet. Quibusdam tamen certis de causis nos ad præsens specialiter mouentibus, vobis precipimus quod in executione dicti breuis nostri per vos: tres vel duos vestrum, vlterius fact' vel faciend' minime procedatis, sed inde supersedeatis vnico dicto breui nostro vobis prius in contrarium direct' non obstan, T. meipsa apud &c. B

A commission to proone that one who had made Affidauit, *that the defendant was so sicke and impotent that he could not appeare in the Chancerie to answere the plaintifes bill, had therein deposed vntruly.*

A REgina predilecto & fideli suo O. domino sancti Iohn de Bletsoe ac dilectis sibi Lodouico Dyue R.N. & R.A. armigeris salutẽ. Cum nuper cur̃ nostr̃ Cancellar̃ ex parte I.G. millitis relatum fuerit & suggestum erat per sacramentum cuiusdam R.L. qd̃ præfatus I.G. crastino sancti Martini vltimo preterito ita laborauit aduersa valetudine & adeo impotens sui extitit qd̃ vsq; dictam curiam nr̃am Cancellar̃ prædict' ad diem illum ad respons. suam petitioni R.G. armig' fiend' absq; maximo corporis sui periculo laborare non sufficiebat. Et nos veritatem expiscari & inuestigare volentes vt tutius & consultius pro iustitia in hac parte procedere valeamus per vos certiorari volumus, dedimus vobis igitur tribus vel duobus vestrum ac per presentes damus potestatem, & auctoritatem scrutandi inquirendi, & inuestigandi tam super articulos & interrogatoria per antedictum R.G. coram vobis tribus vel duobus vestrum deliberandum & ad testes quoscunq; ministrandũ quos maxime pro testatione premissorum fore videritis necessariam coram vobis euocandum. Ac ipsos testes & eorum quilibet tam de & super articulis prędict' cum cunctis circumstantijs diligenter examinand' examinationesque suas in scriptis redigend', quam omnibus alijs vijs, medijs & modis quibus melius sciueritis, seu poteritis vtrum prefatus I.G. ita languidus fuit ad dictum diem crastinum sancti Martini quod absq; periculo sui corporis laborare minime potuit. Et ideo vobis tribus vel duobus vestrũ mandamus qd̃ visis presentibus ac tenore articulorum & interrogatoriorum prędict' per prefatum Reginaldum ministrãdorum, & p vos plene intellectorum testes præd' quos in hac parte vt præd' est fore videritis necessarios euocetis coram vobis tribus vel duobus vestrum ad certos dies & loca, quos ad hoc prouideritis venireque faciatis, ac ipsos & eorum quemlibet de & super veritate premissorũ super eorum sacramentis corã vobis corporaliter prestandũ diligẽter examinetis, examinationes suas recipiatis, & in scriptis redigatis & tunc cum sic feceritis nos inde in Cancell' nostra de omni facto vestro in hac parte in octabis sancti Hillarij proximo futur̃ vbicunq; tunc fuerit sub sigillis vestris triũ vel duorũ clauss. reddatis certiores vna cum breui nobis remittend', Teste regina apud Westm̃ 28. die No. anñ regni reginæ Eliz. 10. Sect. 36.

Of imperfect Answere.

A BVt if the defendant appeare personally, or by Atturney, and make an imperfect answere, then vpon demurrer tendred, and motion made in Court by the plaintifes counsaile, shewing the imperfection of such answere, an order will be made, that the defendant shal make a better answere by some certaine time, and thereupon issueth a *Subpena* ad Sect. 37.

Subpena to make a better answere.

faciend' meliorem reſponſum.

Reioyning and ioyning in Commiſſion, ad examinand' teſtes.

Sect. 38. AND when the defendant hath made a perfect aunſwere, the plaintife eyther of his owne accorde, or by order in Court muſt replie, or be diſmiſſed for want of a replication, and ordered to pay to the defendant coſtes for his wrongfull veration, but vpon replication put in by the plaintife, the plaintife is to take out a Subpena against the defendant ad reiungend', & iniungend' commiſſion ad examinand' teſtes, which differeth nothing from the ſaid ſubpena ad comparand', but that it is indorſed with theſe or the like words: A

Replie.

Subpena ad reiungendum.

Ad reiungendum & iniungendum in commiſſione in materia W. S. Naming the plaintife. B

Reioinder. And thereupon the defendant muſt put in his reioinder to the plaintifes replication. And if any other matter bee in the defendants reioinder then was in his aunſwere, then may the plaintife put in a ſurreioinder, and thereby aunſwere the ſame, and ſo proceede to perfect iſſue, the forme of all which hereafter appeareth: And the parties beyng ſo at iſſue, they either examine their witneſſes before the examiners of the Chauncerie in Court, or doe procure a Commiſſion, ad examinandum teſtes, to certaine perſons of good credite in forme following. C

Surreioinder.

Iſſue.

Commiſſion.

Of a Commiſſion ad examinand' teſtes.

Sect. 39. ELizabeth Dei gratia, Angliæ, Franciæ, & Hyberniæ, Regina, fidei defenſor &c. dilect' ſibi I. F. R. H. armig', R. W. & N. S. generoſis ſalutem. Sciatis quod dedimus vobis, tribus, vel duobus veſtrum, poteſtatem, & authoritatem teſtes quoſcunque de & ſuper quibuſdam interrogatorijs tam ex parte W. W. armigeri quæren, quam ex parte A. M. vid' defen, vobis tribus vel duobus veſtrum deliberandum diligenter examin. Et ideo vobis tribus vel duobus veſtrum mandamus, quod ad certos dies & loca quos ad hoc prouideritis teſtes prædictos coram vobis tribus, vel duobus veſtrum venire fac' & euocetis. Ac ipſos teſtes, & eorum quemlibet de & ſuper Interrogatorijs prædictis ſuper ſacramenta ſua coram vobis tribus, vel duobus veſtrum, per ſancta Dei Euangelia corporaliter præſtandum diligenter examinetis. Examinationeſque ſuas recipiatis, & inſcriptis in pergameno redigatis. Et cum illas ſic ceperitis eas nobis in Cancellariam noſtrã in quindena Paſchæ proximum futurum, vbicunque tunc fuerit ſub ſigillis veſtris trium vel duorum veſtrum clauſ. diſtincte, & aperte mittatis vna cum Interrogatorijs prædictis, & hoc breui: Prouiſo ſemper A

per quod dict' defend' habeant præmonitionem per ſpatium quatuordecim dierum, de die & loco executionis huius commiſſionis ante executionem eiuſdem, T. meipſa apud Weſtmoñ 7. die Febr. anno regni noſtri triceſimo ſext.

B The returne of which Commiſſion is commonly indorced vpon the ſame thus:

C Executio iſtius commiſsionis patet in quibuſdam ſcedulis eidem commiſsioni annexis.

The Commiſſioners names.
W.S. A.B. C.D.

D And then to file the interrogatories and depoſitions to the backe ſide of the Commiſſion, and vpon receipt of ſuch Commiſſion, the Commiſſioners or the partie which hath the cariage of the ſame, if the day and place for execution thereof be not limitted in the Commiſſion, doe vſe to giue notice thereof to the partie in writing vnder their hands thus: Notice of the execution of the Commiſſion.

A notice whereby Commiſſioners may giue the parties warning of the time and place of their ſitting for the execution of ſuch Commiſſion.

A After our hartie commendations, whereas wee haue receiued her Maieſties Commiſſion fourth of her Highneſſe Court of Chauncerie to vs and others, directed for the examination of witneſſes betweene C. S. plaintife, and W. R. defendant. Theſe are to ſignifie vnto you, that for the Execution of the ſame Commiſſion, wee whoſe names are ſubſcribed haue appointed to ſit at S. in the Countie of D. the laſt day of the next moneth, by viii. of the clocke in the forenoone of the ſame day, which wee haue thought good to ſignifie vnto you, that you may haue your Commiſſioners and witneſſes then there ready accordingly, if you thinke it expedient for you. And ſo bid you farewell, 27. Feb. 1600. Sect. 40.

Your louing friends,
A.B. C.D.

Of cyting Witneſſes.

A AND if ſuch Commiſſion giue authoritie to them, to cyte and call witneſſes before them, they vſe to doe it by ſuch a Precept as followeth. Sect. 41.

The Precept of Commiſsioners, to bring witneſſes before them to be examined.

B By vertue of her Maieſties Commiſſion fourth of her Highnes Court

of Chauncery to Sir A. N. Knight, L. R. Esquier & vs, directed for the examination of witnesses betweene G. S. plaintife, & W. R. defendāt: These are in her Maiesties name to charge & commaund you, and euery of you, whose names are hereunder written, personally to appeare before vs at S. the last day of this Moneth of August, by 8. of the clocke in the afternoone, then and there to depose your seueral knowledges, vpō the part and behalfe of the said G. S. And hereof faile you not as you will aunswere your defaults at your perils. Dated this xi. of August. 1600.

Your very louing friends,
A. B. G. T.

To our louing friends, maister B. L. G C. R. P. I. P. Esquiers. L. C. R. T. Gentelmen.

Subpena ad testificand'.

Sect. 42. BUt if that no such power be giuen by such commission, then if the witnesses will not appeare gratis, they are compellable thereunto by Subpena ad testificand' in maner following. A

Subpena and testificand' coram Commiss.

Elizabeth &c. Quibusdam certis de causis &c. sitis coram dilectis nobis R. & C. armig' E. H. & E. C. generosis, vel duobus eorum commissionarijs nostris virtutē breuis nostri de Dedimus potestatē eis directē ad certos diem & locum quos præfatē commissionarī vobis Scire fac' (Aliter apud N. in coīn B. xx. & xxj. die Aprilis proxiīn futurī) vt ipsi vos tunc & ibidem, de, & super quibusdam Interrī pro parte A. B. diligentē possint examinare, & ad faciend' vlterius & recipiend' quod per dictos Commissionarios nostros vel duos eorum in ea parte consideratū fuerit, Et hoc sub pena centum librarī nullatenus omittatis. Et habeas ibi hoc breue, Teste meipsa apud Westmonasterī &c. *vt supra.* B

Of the Style of Interrogatories.

Sect. 43. INterrogatories to be ministred to the witnesses to be produced vpon the part and behalfe of A. B. complaynant, against C. D. defendant (if they, be for the playntife:) But if for the defendant, vpon the part and behalfe of C. D. defendant against A. B. complainant. A

Inprimis, Do you know the said parties, plaintife and defendant, or either of them &c. B

Item, do you know &c. As the cause requireth.

Of the style of the Depositions thereupon taken.

Sect. 44. ¶ Depositions taken at H. in the Countie of E. the last day of April, in the xxxvj. yeare of the Raigne of our Soueraigne Lady Elizabeth A

Elizabeth by the grace of GOD, of England, France and Ireland Queene, defendreſſe of the Faith, &c. vpon the part and behalfe of A.B. plaintife, againſt C.D. defendant, (Or vpon the part of C. D. defendant, at the ſuit of A.B. plaintife) by vertue of her Maieſties Commiſſion forth of her highneſſe Court of Chauncerie, to R.S. C. L. P. Q. and W.M. or to three, or two of them directed, for the examination of witneſſes betweene the ſaid parties.

B I. L. of A. in the Countie of E. Labozer, of the age of xlvi. yeares, oz there abouts, ſwozne and examined, depoſeth and ſaieth vpon his Dath as followeth.

C Item to the firſt Interrogatozie he depoſeth and ſayth, that &c. As the matter is &c, And ſo vpon the reſt of the Interrogatories.

The direction of the Commiſſion being executed Illuſtriſſime dominæ noſtræ Elizabethæ Reginæ in Cancellar ſua, *Of Publication, Hearing, and Breuiates, and after that then this*, Certific' dexpoſitiõ teſtium ex parte A.B. & C.D.

A

After that the Witneſſes be ſo examined in the Court, oz by commiſſion, as is afozeſaid, Publication is to be had, and thereupon a day of hearing is to be pzocured. Againſt which time, Bzeuiats muſt be made of the effect of the pleadings, depoſitions, & other pzoues & euidence, & the counſel perfectly inſtructed of the whole ſtate of the matter, & a Subpena ad audiend' Iudicium, made and deliuered to the partie in conuenient time befoze the ſaid day of hearing: At which time albeit that vpon the hearing the matter be diſmiſſed, yet may the parties haue the depoſitions of their witneſſes exemplified vnder the great ſeale of England foz the furtherance and maintenance of their rights and titles, at, and by the common Law. But if the matter be directed foz the Compt after the decree paſt and enrolled, he may haue a wzit de Executione iudicij, which muſt be ſerued vpon the defendant. And if he refuſe to ſatiſfie the ſame, then vpon oath made thereof, pzoceſſe of contempt is to iſſue againſt him in fozme afozeſaid. And if ſuch decree be in a ſuit foz lands, and the defendant abide all the ſaid pzoceſſe of contempt, and ſtil deteine the poſſeſſion of the lands from the plaintife contrary to the ſaid decree, then vpon mocion thereof made in the Court: a commiſſion is vſually graunted to the Shirife, and ſome others neere adioyning to the landes in queſtion, to put the plaintife in poſſeſſion, and to keepe him in poſſeſſion accozding to the ſaid decree. Sect. 20.

Subpena to heare iudgement.

Exemplification of the depoſitions.

A writ de executione iudicij Contempt.

Comiſſion to put the plaintif in poſſeſſion.

A Com-

A Commiſsion to the ſherife to put and keepe the plaintife in poſſeſsion according to an order there in taken vntill a cauſe then depending in ſuit be heard and determined.

Sect' 46. REgina &c. vic' Kanc', ſalutem. Cum per ordinationem capt̄ in Cancell' noſtra 3. die Iulij vltimo preterito int̄ W. A. quer̄ & W. Y. & alijs defendent̄ ordinat̄ fuit quod præd' W. A. & aſſignat̄ ſui pacifice & quiete iaberent, gauderent & occuparent vnum meſſuagium ſiue tenement̄ cum ꝑtin̄ iacen̄ & exiſten̄ in E. & R. in com̄ prędict' inter partes præd' in Cancell' præd' in controuerſia pendent̄ indeciſa abſque vexatione, moleſtatione ſiue interruptione prædict' W. Y. ſiue aliquarum perſonarum ſub titulo intereſſe Iuř, vel procuratione ſuis donec materia inter partes præd' in curia noſtra præd' finaliter determinetur. Et quia iam ex teſtimonio fidedignorum accepimus, quod diuerſe aliegine ignote inhabitan̄ extra comit̄ Kanc' per procurationem prædictoř defendent̄ vt aſſeritur poſſeſſionem meſſuag' & ten̄t prædict' cum pertin̄ vi & armis, ac manuforti tenen tin defraudation̄ & contemptum ordinis prædict', ac ipſum W. A. & aſſignat̄ ſuos extra poſſeſſionem meſſuag' & ten̄ prædict' cuſtodiunt contra formam & effectum ordinis prædict' tibi igitur precipimus quod immediate poſt receptionem huius breuis aſſumptis tecum ſufficient̄ poteſtatem comitat̄ noſtræ Kanc' prædict' in propria perſona tua ad meſſuagium, ſiue ten̄tum prædictum accedas & attachiari & arreſtari facias quaſc ūque ꝑſonas ibidem inueneris poſſeſſ. meſſuag', ten̄t ſiue terř prędict' ſiue alicuius parcell' tenentes, & eos & eorum quemlibet de die in diem ducifacias vſque priſonam noſtram de Fleete gardino noſtro ibid' liberandū & ibidem moratur quouſque de eorum deliberation̄ aliter duximus ordinandum. Ac vlterius tibi precipimus firmiter iniungendo quod inde præd' W. A. & aſſignat̄ ſuos in pacifica & quieta poſſeſſion̄ eiuſd̄ de tempore in tempus manuteneas donec aliter inde a nobis habueris ſpecialiter in mandatis. Et quid inde feceris ſciri facias Cancellař noſtro. Teſte &c. A

A Cerciorare to Commiſsioners to certifie the depoſitions taken by Commiſsion.

Sect' 47. REgina &c. dilectis ſibi A. B. & C. D. gen̄, ſalutem, Volentes certis de cauſis Cerciorari ſuper quaſdam depoſitiones teſtium int' H. G. querent̄ & C. D. defend' per vos tres vel duos vřum virtute breuis noſtri de Commiſſione vobis in ea parte direct̄ capt' & adhuc penes vos reſiden̄, vt eſt dictum, vobis mandamus quod depoſitiones ̄præd' cum omnibus eas tāgen̄ adeo plene & integre prout coram vobis capt̄ fuer̄ nobis in Cancell' noſtram in quindena Paſchæ prox' futuř vbicunque tūc ſub ſigillis veſtris trium vel duorum veſtrū diſtincte & aperte mittatis & hoc breue. Teſte &c. A

Of a Commission to examine witnesses in perpetual memory.

A FIrst the plaintife must exhibite his bill, and thereby shew his title to the land, lease, or such like matter that he hath right vnto. And that the witnesses which can proove his title are aged, and not like long to liue, whereby he may be in daunger of the losse of the thing in question. And therefore to pray to haue a Commission directed to certeine Gentlemen of credite and worship for the examination of the said witnesses. And also to pray proces of Subpena against him, her, or them, to shew cause, if he or they can, why the plaintife should not examine his witnesses, as aforesaid. The forme of which Proceste ensueth, in hæc verba. Sect' 48.

A Elizabeth dei gratia Angliæ, Franciæ, & Hiberñ Regina fidei defensor &c. I. S. salutem. Cum A. B. exhibuit coram nobis in Cancellaria nostra quandam petitionem vt quidam testes in perpetuam rei memoriam versus te examinarent̃, & ne id tibi in preiudicium cederet: Tibi præcipimus firmiter iniungentes, quod omnib⁹ alijs prætermissis, & excusatione quacunque cessante, in propria persona tua, vel per tuum Atturnatũ, aut deputatum, sis coram nobis in dicta Cancellaria nostra infr̃ quatuordecim dies immediate post receptionem huius breuis si tibi ita visum fuerit) vt dicti testes, aut alij quicunque ex parte tua ibidem similit̃ examinar̃ possint, (si ita velis) vel vt ostendas & proponas, vel ostendi & proponi facias, tunc & ibidem bonam sufficientem & probabilẽ materiam pro parte tua quare ijdẽ testes pro parte dicti A. B. in forma præd' examinari, & postea eorum examinationes secundum ordinem & cursum dictæ Cur̃ nostræ publicari & diuulgari non debeant.

Concerning the matters of these Chauncerie, Note what ensueth.

A And if the partie defendant doe appeare, either by himselfe, or his Counsaile, and shew such sufficient cause, as the Court will allow off, why the plaintife should not examine his witnesses, as is aforesaid, then the plaintife may not proceed therein, vnlesse he can better satisfie the Court to the contrary. But if the defendant be contented, and will ioine with the plaintife in examination, then after examination so had, there can be no publication thereof during the liues of the witnesses: vnlesse the defendant do assent, or vnlesse the plaintife, or some other in his behalfe do make oath, that the matter whereupon the witnesses were examined, is to take triall at the common Law, either at the Assises, or at the Barre. And that A. B. or more of the witnesses before examined, are necessarie witnesses, and not able to trauaile to the said trial: And vpon such oath taken, his, or their depositions to be published of course. And to be exemplified if the partie so require.

But if the partie defendant do not appeare vpon the said writ, neither by

by himselfe,nor his Atturney, by the end of the said fourteene daies, nor shew no cause of stay thereof, whether it be in Terme or out of Terme time, then vpon oath made of the seruing of the same writ, the Lorde Chauncelor, Lord Keeper,or Maister of the Rolles for the time being, at the request of the plaintife, will appoint Commissioners for the examination of the plaintifes witnesses, according to certaine orders prescribed in that behalfe.

There be also many other different formes of Subpenaes and Commissions,of which some doe hereafter ensue.

Subpena ad testificandum super petitionem.

Sect' 49. AD testificandum pro parte tua in quadam materia content̃ in quadam petitione ad sectam tuam versus quendã W.M.coram nobis in dicta Cancell' nostra nuper exhibit̃, vel tu ipse sis coram nobis,&c. A

Aliter ad testificandum ad Assisas super articulos.

Sect' 50. SItis coram Iusticiarijs nostris ad Assisas in com̃ H. capiend' ad prox' Assisas in com̃ prædicto, tenendum apud L.die Lune, in tertia septimana quadragesimæ, vt ijdem Iusticiarij vos tunc & ibidem pro parte R.W.de,& super veritate quorundam articulorum per pref. R. versus A.B.exhibit̃ possint examinare, Et sub pena &c. A

Subpena ad ostendendum causam quare euidenc' non deliberentur.

Sect' 51. REgina,&c.Quibusdam &c. vsque vbicunque tunc fuerit ad ostendendum quare euidenc' & scripta per te in Cancell' nostr̃ prædict̃, nuper deliberat̃,& ibidem adhuc remanen̄ W. C. deliberari non debeant.Et ad faciend',& c,*vt supra.* A

Subpena ad testificandum ad Assisas in London.

Sect' 52. SItis coram dilecto & fideli nostro Edmundo Anderson Milit̃ capital' Iusticiar̃ nostro de Banco, ac Iusticiar̃ ad Assisas in Ciuitate London, capiend'assign̄ apud Guildhaldam Ciuitatis London,prædict' die Veneris, videlicet & nono die instantis mensis Februar̃ proxim̃ futur̃ ,vt ijdem Iusticiar̃ vos tunc & ibidem pro parte H. T. possint examinare.Et hoc &c. A

Subpena ad testificand' coram Vicecomit' London.

Sect' 53. ELizabeth Dei gratia Angliæ,Franciæ,&c.W.I. salutem. Quibusdã certis de causis coram nobis in Cancellaria nostra propositis : Tibi precipimus,firmiter iniungentes,quod omnibus alijs pretermissis & excusatione quacunque cessante,in propria persona tua sis coram Vicecomit̃ Ciuitatis nostræ London,apud Guildhaldam eiusdem Ciuitatis die A

Iouis

Iouis proxim̃ futur̃, ad teſtificandum veritatem in materia coram eis pendenr̃,& ad faciendum vlterius,& recipiendum quod de te contigerit ordinari tunc ibidem. Et hoc ſub pena centum libraꝝ nullatenus omittas.Et habeas ibi hoc breue. Teſte me ipſa apud Weſtmoñ vltimo die Martij,Anno regni noſtri 36.

Subpena pro Euidentijs adferendis.

A REx R,D,ſalutem,Quibuſdam certis de cauſis coram nobis in Cancellaria noſtra propoſitis : Tibi precipimus, firmiter iniungentes, quod omnibus alijs prætermiſſis & execuſatione quacunque ceſſante, n propria perſona tua ſis coram nobis in dicta Cancellar̃ noſtr̃ in quindena ſancti Hillarij prox' futur̃, vbicunque tunc fuerit, adferens tecum omnia & omnimoda cartas, ſcripta, euidentias, & munimenta in cuſtodia tua,aut alicuius alterius ꝑſonæ , aut per tuam deliberatioñ ad tuũ vſum exiſteñ,vnum meſſuagium vocat̃ Le G.& vnum horreum cum omnibus terris eidem meſſuagio pertineñ concerneñ,in quadam petitione per W.T.coram nobis in Cancellaria noſtra prædicta verſus te exhibit̃, contenr̃ ſpecificat̃,& ad faciendum vlterius , & recipiendum quod Curia noſtra conſiderauerit in hac parte.Et hoc nullatenus omittas . Et habeas ibi hoc breue. Teſte &c. Sect' 54.

Aliter pro Obligatione deliberand'.

A ADferens tecum quandam Obligationem per quam W. C. Miles tenetur & obligatur T.B.Milit̃ nuper marit̃ tuo iam defuncto in ducentis marcis in cuſtodia tua exiſteñ,vt dicitur, & ad faciendum vlterius &c. *vt ſupra.* Sect' 55.

And when a ſuit hath depended vnproſecuted two yeres,the award a Subpena de Atturnat̃ faciend',*in this forme.*

A REx B,R.ſalut̃ &c. (vſque tunc fuerit, & tunc ſic) ad faciendum Attornat̃ in materia quæ eſt coram nobis in dicta Cancellaria noſtra inter te defend',& M.S.quer̃ per billam,& ad faciend' &c.*vt ſupra.* Sect' 56.

Commiſſio ad recipiendum reſponſum,& ad examinandum teſtes quoſcunque,& ad audiendum & terminandum.

A REx dilect' ſibi A. T.armigero,& R.S.armig' ſalutem. Cum A. W. quandam petitionem coram nobis in Cancellaria noſtra verſus R. C.nuper exhibuit, quodque eidem R. per breue noſtr̃ præceperimus, quod eſſet coram nobis in dicta Cancellar̃ noſtr̃ ad certum diem iam præteritum ſub certa pena in dict' breui noſtro contenta petitioñ præd' reſponſur̃:Sciatis quod aſſignauimus vos, ac tenore preſentium damus vobis vel vni veſtrum poteſtatem & auctoritatem reſponſioñ prefati R. ad Sect' 57.

R. ad petitionem prædict' recipiend', & in ſcriptis redigend', & quoſcunque teſtes, de, & ſuper materia in petitione & reſponſion prædict contentꝫ, examinand', ac eandem materiam iuxta ſanas diſcretiones veſtras vel vnius veſtrum audiend', & finaliter determinand'. Et ideo vobis mãdamus, quod viſo tenore petitionis præd', quam vobis mittimus preſentibus intercluſam, prefatꝫ R. coram vobis, vel vno veſtrum venire faciatis, ac reſponſ. ſuam petitiõ prædict' in forma prædictꝫ, fiendam ſuper ſacramentum ſuum recipiatis, & in ſcriptis redigatis, necnon teſtes prædictꝫ, coram vobis vel vno veſtrum ad certos dies & loca, quos ad hoc prouideritis coram vobis venire faciatis, & euocetis, ac ipſos, & eorum quemlibet, de & ſuper veritate petitionis, & reſponſion præd', ac de & ſuper articulis omnibus & ſingulis premiſſa qualitercunq; concernẽ ſuper eorum ſacrãm corporaliter preſtand', diligenter examinetꝫ, examinationeſq; ſuas recip̃, & in ſcript̃ redig'. Et cum eas ſic ceperitis eandem materiam partibus ad id vocatꝫ, viſiſque eorum ſcriptis & auditis hinc inde earum rationibus, & allegationibus, omnibus vijs, modis & mediis quibus melius ſcieritis, aut poteritis, vel vnus veſtrum ſciuerꝫ, aut poterꝫ, iuxta ſanas diſcretiones veſtras vel vnius veſtr̃ finaliter determinetis, vel vnus veſtrum determinet: Sin autem nos de omni eo quod inde feceritis vel vnus veſtrum fecerit, in Cancellar̃ noſtra ſub ſigillis veſtris, vel vnius veſtrum in Quindena Sancti Mich. prox' futur̃, vbicunque tunc fuerit, diſtincte & aperte reddat certiores, hoc breue, vna cum petitione reſponſione & teſtium examinationibus pred' nobis remittentes. Teſte &c.

Commiſſio ad audiendum & terminandum materiam in petitione, & reſponſione, & ad examinand' teſtes q̃ oſcunque.

Sect' 58. REx dilect' ſibi A. & B. ſalutem. Quia de & ſuper veritate quærimoniæ in quadam petitione coram nobis in Cancellaria noſtra per T. C. verſus I. R. & alios nuper exhibita contenꝫ, ac de & ſuper veritate in quadam reſponſione per partes predictas in hac parte facta, & in eadem Cancellaria ſimiliter exhibit̃, necnõ de & ſuper omnibus articulis & circumſtantijs queremoniam & reſponſionem illas concernent̃, vt tutius & conſultius pro iuſticia in eiſdem exhibend' procedere valeamus vobis de quorum fidelitatibus, & prouidis circumſpectionibus plene confidimus: Dedimus vobis, vel duobus veſtrum poteſtatem & auctoritatem audiendi & examinandi materiam in petitione, ac reſponſione, ac in omnibus articulis & circumſtantijs prædictis querimoniã, & reſponſionem illas concernẽ hijs preſentibus annex' contentam, & ſpecificat̃, et eandem materiam iuxta ſanas diſcretiones veſtras finaliter ſi poteritis determinand'. Et ideo vobis, vel duobus veſtrum mandamus, quod ad certos dies & loca, quos ad hoc prouideritis, teſtes quoſcũque inter partes A

tes præd', quos maxime pro teſtificatione veritatis premiſſorum fore videritis euocandos, coram vobis vel duobus veſtrum euocetis, Ac ipſos teſtes et eorum quemlibet de & ſuper querimonia, reſponſione articulis et circumſtantijs præd' ſup ſacramẽta ſua diligenter iuretis, & examinetis. Et ſuper hoc auditis hinc inde earum rationibus, et allegationibus, ac alijs vijs ac modis, quibus melius ſciueritis aut poteritis eandem materiam vt præd' eſt finaliter ſi poteritis determinetis. Sin autẽ nos in Cancellaria noſtra de omni eo quod inde feceritis in quindena ſancti Hillarij prox' futur̃, vbicunque tunc fuerit, ſub ſigillis veſtris, vel duorum veſtrũ diſtincte & aperte eddatis certiores, remittentes nobis tũc tenores prædictos, vna cum hoc breue. Teſte &c.

Commiſſio ad examinadum Teſtes ad locum & diem certum, de valore bonorum & catallorum.

A REgina dilect' & fideli ſuo R.B. Militi, ac dilectis ſibi I.D. & P.W. armigeris ſalutem. Sciatis quod nos de fidelitatibis & prouidis circumſpectionibus veſtris plurimum confidentes, aſſignauimus vos, ac tenore præſentiũ, damus vobis, vel duobus veſtrum plenam poteſtatem & auctoritatem inquirendi, tam per depoſitiones quorumcunque teſtium, coram vobis producend', & examinand', quam alio quocunque modo ad libitum veſtrum, quæ bona et catalla fuerunt. I.M. generoſi, ſiue alterius cuiuſcunque remanent̃ infra domum manſionalem, ſiue firmam de C. in E. in comitatu Oxon̄ quo tempore Ro. Bi. poſſeſſionem eiuſdem domus ſiue firmæ natus ſit, et cuius valoris ſiue precij eadẽ bona et catalla ſic infra eandem domũ, et firmam præd' exiſtentia ad tunc fuerunt, et extiterunt. Damus etiam vobis, vel duobus veſtrum poteſtatẽ & auctoritatem teſtes quoſdam quorum ſeperalia nomina in quibuſdam Interrogatorijs præſentibus incluſ. ac eiſdem teſtibus ſeperaliter proponend', inſerta apparebunt de et ſuper eiſdem Interrogat̃ diligenter examinand'. Et ideo vobis mandamus, quod ad certos dies et loca, quos ad hoc prouideritis, teſtes prædictos ac alios quoſcũque quos maxime pro teſtificatione veritatis fore videritis neceſſarios et opportunos coram vobis vel duobus veſtrum venire faciatis, et euocetis, ac ipſos teſtes, et eorũ quemlibet tunc et ibidem, tam de et ſuper pleno et iuſto valore omnium et ſingulorum bonorum, et catallorum prædictorum quam et ſuper Interrogatorijs prædictis, ſuper ſacramenta ſua per ſancta Dei Euangelia coram vobis, vel duobus veſtrum corporaliter præſtandũ diligenter examinetis: Examinationeſque ſuas recipiatis, et in ſcriptis in pergameno redigatis. Et cum eas ſic ceperitis nos inde, ac de omni eo quicquid pro meliore cognitione premiſſorum feceritis, vel duo veſtrum fecerint in Cancellaria noſtra in Octabis Sancti Mich. proxim̃ futur̃, vbicunque tunc fuerit, ſub ſigillis veſtris, vel duorum veſtrum clauſ.

Sect' 59.

diſtincte

diſtincte,& aperte,reddatis certiores, remittentes nobis Interrogatoria prædict',vna cum hoc breue. Teſte &c.

Commiſsio ad ſuperuidendum & diſtinguendum Vaſtum.

Sect' 60. REx dilect'ac fideli ſuo Willihelmo P. Militi,ac dilect' ſibi W.T.ar- A
migero ſalutem. Sciatis quod nos de fidelitatibus, & prouidis circumſpectionibus veſtr̄ plenius confidentes aſſignauimus vos,ac tenore preſentium damus vobis plenam poteſtatem & auctoritatem audiendi & examinand' quandam materiam in quibuſdam articulis his præfatibus annex' contentam,& ſpecificat̄, & eandem materiam iuxta ſanas diſcretion̄ veſtr̄ finaliter ſi poteritis determinand'. Et ideo vobis mandamus,quod ad certos dies & loca,quos ad hoc prouideritis ad quoddam vaſtum vocat̄ Blackdowne ſuper M.in com̄ S. in articulis prædict' ſpecificat̄,perſonaliter accedatis, vaſtumque illud ſuperuideatis,ac tam per depoſitiones teſtium quam alijs vijs,modis,& medijs quibus melius ſcieritis aut poteritis diligenter inquirat̄ quantum inde ad manerium de H. & quantum inde ad manerium de W. in Comit̄ prædict', pertinere debeat,& ſuperinde,limites,bundas, metas & diuiſas, inter vnum & alterum,& quantum ad vnum, & quantum ad alium maneriorum prædictorum pertinere vobis conſtare poterit,poni faciat̄ & limites examinationeſque teſtium predictorum recipiatis,& in ſcriptis redigatis,omneſque alias depoſitiones teſtium ante hac examinat̄ minumenta, ſcripta, recorda,tranſcripta,territoria, chartas, ac alias euidentias quaſcunque per partes in articulis prædict' ſpecificat̄, coram vobis exhibend' acceptetis & inſpiciatis. Et ſuper hoc,materiam in articulis prædictis ſpecificat̄ iuxta ſanas diſcretiones veſtras finaliter ſi poteritis determinet̄: Sin autem nos in Cancellar̄ noſtra de omni eo quod inde feceritis in quindena Sancti Michaelis prox' futur̄ vbicunque tunc fuerit ſub ſigillis veſtris diſtincte & aperte reddatis certiores,remittentes nobis articulos prædictos vna cum præſentibus. Teſte &c.

A Commiſsion directed to the Lord deputie of Ireland and the Lord Chauncelour, with others, for the hearing and determining of a Title of Lande.

Sect' 61. ELizabeth by the grace of God &c. To our truſtie and right well be- A
loued Sir H.S. Knight,of the order &c. Lord Deputie of our Realme of Ireland,H.C. Archbiſhop of D. our L. Chauncelour there, Sir I.P. knight,chiefe Juſtice of the Pleas there, I.B. Eſq: chiefe Baron of our Eſchequer there,F.A. Eſquire, one of our priuie Counſell there, I.D. Eſquire,ſecond Juſtice of our chiefe Bench there, R.F. Eſquire our Serieant at the Law there,and L.D. Eſquire our Solicitor there. Know ye,that for certeine conſiderations vs thereunto mouing,and of

our

our meere motion, and for the great confidence and truſt we haue in your fidelities, circumſpections, prouidences and wiſedomes, we haue deputed, ordeined, aucthorized, appointed, conſtituted, giuen & graunted, and by theſe preſents do depute, ordeine, aucthorize, conſtitute, appoint, giue, and graunt vnto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will that &c. be alwaies one) full power, iuriſdiction, and aucthoritie, to hold plea, heare, determine, diſcuſſe, decree, and finally to iudge of all and ſinguler actions, debates, ſtrifes, quarrels, rights, titles, and demaunds whatſoeuer they be, aſwell reall as perſonall, which by plaint, ſupplication, or bill to be exhibited, or otherwiſe by any maner of meanes elſe, ſhall, or may appeare, or come before you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will that &c. be alwaies one) of, for, and concerning the intereſt, right, title, demaund, and poſſeſſion of two parts or moities, of all thoſe landes &c. with the appurtenances in the Countie of D. within the ſaid Realme of Ireland to be by D. D. late of &c. I. D. widow, F. D. H. D. D. D. gentl', and ſonnes to R. D. late deceaſed, and R. D. Nephew to the ſaid F. H. and D. or by any of them ſeuerally, or iointly, or any two, iii. iiii. v. or vi. of them againſt C. S. alias H. Lord of H. within our ſaid Realme of Ireland, and all and euery other perſon or perſons, which ſhall claime from, by, or in the right of the ſaid Lord, or in his, or their owne right or rights, or by any meanes elſe whatſoeuer it be, which he or they claime to haue to the ſaid moities of the two parts of the ſaid lands &c. with the appurtenances aforeſaid: geuing and graunting, and by theſe our Letters patents, we do giue and graunt vnto you, or to any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. be alwaies one) full power, iuriſdiction, and aucthoritie, to call before you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will that &c. be alwaies one) at ſuch times and places according to your good diſcretions, which vnto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will &c. be alwaies one) and to cauſe the ſaid Lord H. or any which claimeth in his or their owne right or rights, or by any waies or meanes els whatſoeuer, any intereſt, right, title, or poſſeſſion in the two parts or moities of the ſaid lands &c. with their appurtenances aforeſayd, or any parcell thereof, to anſwere, reioine, and ioine iſſue, or otherwiſe pleade, as the cauſe & matter ſhall require, and vpon any plaint, ſupplication, action, or ſuit whatſoeuer, which ſhall be exhibited or come before you, by the aforeſaid D. D. H. H. I. D. F. D. H. D. and R. or by any of thē iointly or ſeuerally, or any ii. iii. iiii. v. or vi. of them, of, and concerning the ſaid two parts or moities of the ſayd lands &c. with their appurtenances aforeſaid: Giuing and graunting, and by theſe preſents, we do giue and grant vnto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we

will that &c. be alwaies one) full power, iurisdiction, and aucthoritie, according to your wisedomes, discretions, and prouidences, to call before you, all maner of witnesses, and to examine all charters, euidences, muniments, writings, & euery other thing els, which may be a meane to proue, fortifie, disclose, or make euident the interest, right, titles, demand, or possession of any of the aforenamed parties, to the said two parts or moities of the said lands &c. with their appurtenances aforesaid, and vpon the same throughly, and with mature deliberation and iudgement considered and waighed, we do giue and grant vnto you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. be alwaies one) full power, iurisdiction, and aucthoritie to proceede to the full order, decree, definition, sentence and finall iudgement, according to your discretions, of the interest, right, title, demand, and possession of the said two parts or moities of the said lands &c. with their appurtenances aforesaid, and to decree the possession of the premisses to him or them, to whom of right it ought to appertain, and his or their said possessions to maintaine: And if any of the parties aforenamed, or any other person or persons which shall haue to do in the same matter or cause, do wilfully, or obstinately withstand or disobey any processe, order, decree, sentence, or iudgement which shall be directed or giuen in the premisses by you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. vt supra, be alwaies one:) Then we will and commaund you, and by vertue of these our Letters patents giue full power, warrant, and aucthoritie vnto you, or to any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that you &c. be alwaies one) to commit him or them to prison, there to remaine till his, her, or their conformities shall be therein had, willing & commaunding you, or any viii. vii. vi. v. iiii. or iii. of you (of which we will &c. be alwaies one) that at such times & places, as to your discretions, or to the discretion of any viii. vii. vi. v. iiii. or iii. of you (of which number &c. be alwaies one) shall seeme fit and conuenient, diligently to attend, applie, and with speede put in execution the effect of this our Commission, so as the complainants before named, or any of them which shall haue to do therein, may not haue iust cause to make further complaint for delay or want of Iustice, willing and commaunding you, or any viii. vii. vi. v. iiii. or iii. of you, (of which we will &c. be one) to admit no dilatorie exception to any supplication or supplications, bill or bils of complaint exhibited, or to be exhibited before you, or any viii. vii. vi. v. iiii. or iii. of you, (of which number we will that &c. be alwaies one) or otherwise to the ouerthrowing of this our Commission: But according to our meaning herein to proceed, and to go to the full hearing, ordering, decreeing, iudging, and determining of the right, title, and demaund of the

parties

parties afoꝛeſaid, of, foꝛ, and concerning the pꝛemiſſes, and euery part and parcell thereof, and accoꝛdingly to decree, and iudge, as to equitie and right ſhall appertaine: any act, ſtatute, law, pꝛouiſion, oꝛ oꝛdinance to the contrarie thereof notwithſtanding. And therefoꝛe fayle you not, as you tender our fauoꝛ: foꝛ if our ſayd Subiects D.D.P.P.I.F. M.D. and R.D. ſhould be put from ſuch triall of their right to the pꝛemiſſes, as by this our Commiſſion we haue pꝛouided foꝛ them. Their diſabilitie and want of riches, wealth, friendſhip, and alyance conſidered, and of the other part, the ſaid Loꝛd of H. their aduerſarie being thꝛoughly furniſhed of all thoſe things, and withall being a Loꝛd by byꝛth, and of great calling and aucthoꝛitie, and inhabiting within the ſaid Countie, where the ſaid lands &c. do lye, our ſaid ſubiect ſhould be in perill and danger to be without remedie at our common Lawes there, which were no ſmall miſchiefe to them. The pꝛemiſſes conſidered, we haue graunted this our Commiſſion accoꝛding to the tenoꝛ afoꝛeſaid. And further we will and commaund you, and by vertue hereD of giue full power and aucthoꝛitie vnto you, oꝛ any viii. vii. vi. v. iiii. oꝛ iii. of you (of which we will that &c. be one) that after the right, intereſt, title, and demaund decreed, adiudged, and determined, as is afoꝛeſaid: that you haue conſideration vnto the hinderance, loſſes, and damages which the Complaynants, oꝛ any of them, as is afoꝛeſaid, haue had, and ſuſteyned, by reaſon of the wꝛongfull deteyning of the poſſeſſion of the pꝛemiſſes, and the ſaid damages by you, as is afoꝛeſaid, taxed, and extracted, thereof to cauſe a full execution and ſatiſfaction to be had and made vnto the ſaid complainants, and euery of them, as is afoꝛeſaid. And foꝛ the better putting in execution of this our Commiſſion, we will and commaund the Shirife of that our ſaid County of D. and all other our Officers foꝛ the time being, to whom in this caſe it ſhall apperteine, that they and euery of them be attendant vpon you, oꝛ any viii. vii. vi. v. iiii. oꝛ iii. of you, (of which we will that &c. be one) foꝛ the executing, fulfilling, and doing of all, and euery act & acts, thing oꝛ things, as ſhall be by you, oꝛ any viii. vii. vi. v. iiii. oꝛ iii. of you, (of which be alwaies one) commaunded, limited, oꝛ appointed. In witneſſe whereof &c.

Hauing hitherto in ſome ſort ſhewed the writs of Commiſsions and courſe of proceeding in Chancerie ſuits: It ſeemeth needefull now to expreſſe what Bills of complaint, Anſweres, Replications, Reioinders, and Surreioinders be, with diuers formes thereof, according to the cauſes of ſuit.

¶ *What a Bill of Complaint is.*

A Bill of Complaint is a declaration in wꝛiting, ſhewing the plaintifes griefe, and the wꝛong which he ſuppoſeth to be done Sect. 62.

vnto him by the defendant, and what damages he sustaineth by occasion thereof, praying processe against him for redresse of the same, as may appeare by many examples hereafter following, whereupon Hostiensis hath these verses.

Quis quid coram quo, quo iure petatur & a quo,
Recte compositus quisque libellus habet.

And first the matter of euery bill ought to be true. Secondarily, B
the same matter ought to be layd downe therein plainely and certeinly in euery circumstance of the thing, person, time, place, maner of doing, & other accidents. And thirdly, the same ought to be sufficient in Law, both for the forme thereof, and for the matter, that it be such as is examinable in this Court, which being otherwise may be dismissed thence.

Sect' 63. The direction of all Bills in the Chancerie must be at the toppe A
thereof. And when there is neither Lord Chancelor, nor Lord Keeper, it is thus:

To the Queenes most excellent Maiestie, in her highnesse Court of Chancerie.

In most humble maner complayning, sheweth vnto your most excellent Maiestie your most humble and obedient subiect H. C. &c.

And when there is a Lord Keeper, as at this time, thus: B

To the Right honorable Sir Iohn Puckering Knight, Lord Keeper of the great Seale of England.

And when there is a Lord Chancelor, then thus: C

To the Right honorable Sir C. H. knight, Lord Chancelor of England.

Their other titles of honor may be also added in the said direction, D
but they are not much necessarie.

What an Aunswere is.

Sect' 64. An aunswere is that which the defendant pleadeth or sayth in A
barre to auoid the plaintifes bill, or action, either by confession and auoiding, or by denying and trauersing the material parts thereof. And the title of such aunswere is thus:

The Aunswere of A. B. defendant to the Bill of complaint of C. D. complainant.

But if there be many defendants, then thus: B

The ioint and seuerall aunsweres of A. B. and C. D. defendants, to the bill of complaint of E. F. complainant.

An aunswere is called in Latin Exceptio, quæ dicta est quasi quæ- C
dam exclusio quæ interponi actioni cuiuscunque rei solet, ad excludendum id quod in intentionem condemnationem iure deductum est. *Vlpianus.*

What

What a Replication is.

A A Replication is the plaintifes ſpeech or anſwere to the defendants anſwere, which muſt affirme and purſue his bill, and confeſſe and auoide, denie or trauerſe the defendants aunſwere. And note, that the plaintife ought to replie the next Terme after that the defendant hath aunſwered, elſe may he giue him day to replie: By which day if he do not replie, the defendant may procure a diſmiſſion and get coſtes. Sect. 65.

B Et dicta videtur Replicatio quod vel implicatam & quaſi tectam exceptionis iniquitatem replicet & patefaciat: vel potius quod equitatem actionis ab excipiente rei tectam & quaſi complicatam explicet atque aperiat, Hottamanus.

C And a title of a Replication is thus:

The Replication of W. P. Complainant, to the anſwere of R.C. defendant.

What a Reioinder is.

A A Reioinder is thanſwere which the defendant maketh to the plaintifes replication, which muſt purſue and confirme his aunſwere, and not ſwarue from the ſame, and ſufficiently confeſſe and auoide, denie or trauerſe, each materiall part of the plaintifes replication, Eſt autem reiunctio ſeu duplicatio vel allegatio quæ datur reo ad infirmandum replicationem actoris & confirmandum exceptionem rei, Spieg. Sect. 66.

B If the parties be not at iſſue, by reaſon of ſome new matter diſcloſed in the defendants reioinder, that requireth aunſwere: Then may the plaintife Surreioine to the ſaid reioinder, and the defendant in like maner to the Surreioinder, if there be cauſe, which happeneth verie ſeldome.

C And the title of a Reioinder is thus:

The reioinder of C. A. defendant, to the Replication of E. W complainant.

What a Surreioinder is.

A A Surreioinder is a ſecond defence of the plaintifes action, oppoſite to the defendants reioinder. And therefore Hottamanus calleth it, Triplicatio, quæ eſt ſecunda actionis defenſio contra rei duplicationem oppoſita. Sect. 67.

B And thus is the title of a Surreioinder:

The Surreioinder of E.W. complainant to the Reioinder of C.A. defendant.

A Bill of complaint for entring into and making ſecret eſtates of Copyhold lands, waſting part therof, & mingling part therof with the lands of others to diſinherite the Plaintife by hauing the Copies therof.

A HVmbly complayning ſheweth vnto your Honorable L.H.E. of B. in the Countie of Yorke Eſqu. That whereas H. E. late of Sect. 68.

S. Esquier deceased, father to your Orator, was in his life time by good and lawfull conueyance and assurance in the law, lawfully seised to him and to his heires in fee simple, according to the Custome of the manor of W. in the said Countie of Y. of one Copyhold or Customarie mesuage or tenement, and of certaine Customarie lands, meadowes, and pasture, to the quantitie of one hundred acres or thereabouts. And the said H.E. your Orators father so being thereof seised as aforesaid, and being visited with sicknes during the minoritie of your said Orator, by good and lawfull conueyance and assurance in the law, and according to the custome of the said manor of W. did conuey, assure, and surrender the said Copyhold or customarie mesuage or tenements, and other the premisses with the appurtenances into the hands of A.B. the Lord of the said manor, for the better maintenance, and to the vse of your said Orator: To haue and to hold to your said Orator, and to his heires and assignes, at the will of the Lord, according to the custome of the said manor: By force whereof your honors sayd Orator in the Court of the said manor paied his fine, and was of the said Copyhold & Customary tenements with the appurtenances, by the then Steward of the said manor of W. admitted tenant. But so it is, if it may please your honor, that all the Euidences and Copies, of, and concerning the said mesuage, lands, tenements, and premisses, being left in the hands, custodie, and possession of your Orators said father whilest he liued, in right belonging vnto your Lordships said Orator, are now by casuall and sinister meanes comen to the hands and possession of one H. H. of D. in the said Countie of Y. who by colour of the hauing thereof, hath wrongfully entred into the said mesuage, lands, and premisses aforesaid, and hath made and conueyed vnto himselfe, and to others to his vse, diuers and sundry secret estates thereof, and doth pretend wholie to disinherite your Lordships said Orator of the same, notwithstanding your said Orator hath by diuers and sundry meanes in friendly maner, oftentimes sought to haue the said Euidences and Coppes, and requested the same at the hands of the said H. H. and also that he would yeld vnto your said Orator the quiet possession of the said mesuage, lands, and premisses, to whom he doth well know the same in right to belong and appertaine, yet that to do, he hath not onely denyed and refused, and still doth denie and refuse to do the same: But of his further malice against your said Orator, he doth threaten your Orator in such sort, that your Orator for want of the said Euidences and Coppes, dareth not make his iust and lawfull entrie, in, and to the same: And also the said H. hath committed, and doth continue daily great and outragious wastes and spoyles, in decaying of the houses, felling downe of the wood and tymber trees of the premisses, to your Orators great losse

and

and diſinheriſon, and contrarie to all right, equitie, and good conſcience. In tender conſideration whereof, and forasmuch as by the ſtrict courſe of the common Lawes of this Realme, your Lordſhips ſaid Orator hath not any ordinarie remedie for the obteyning and recouering of the ſaid Euidences and Coppyes, for want of the certeine knowledge of the contents and dates thereof, and what in them be conteyned, neyther can your Orator learne againſt whom to commence any ſuit for the ſaid meſuage, lands, and premiſſes, for that the ſaid H. H. and others to your Orator altogether vnknowen, haue confederated themſelues together againſt your ſaid Orator, and haue contriued and made amongſt themſelues, diuers ſecreat eſtates & conueyances, and haue ſo intermingled the ſame, to, and with other lands, tenements, and hereditaments, to, and with certeine of their owne freehold and inheritance, that your Orator knoweth not which the ſame be, nor how much thereof the ſaid H. H. & other his confederates do ſeuerally hold, whereby to commence any action or ſuit, or make any lawfull entrie, into, or for the ſame, without your Orators great daunger: And yet your Orator hopeth, that vpon the corporall Oath of the ſaid H. H. he will manifeſt ſuch matter, whereby your Orator may the more better, eaſily, and readily proceede and attaine to the recouering of his iuſt & lawfull right and inheritance of the premiſſes: For the furtherance whereof, it may pleaſe your good Lordſhip, to graunt vnto your ſaid Orator, her Maieſties moſt gratious writ of Subpena, to be directed to the ſaid H. H. commaunding him there by, at a certaine day, and vnder a certaine paine therein to be limitted, perſonally to be and appeare in her Maieſties high Court of Chauncerie, then and there, to aunſwere to the premiſſes &c.

The Anſwere of H. H. defendant, to the Bill of complaint of H. E. complainant.

A The ſaid defendant ſaith, that the ſaid bill of complaint againſt him exhibited into this honorable Court, is very incertaine, vntrue, and inſufficient in the Law to be anſwered vnto, by the ſaid defendant, for diuers and ſundry apparant faults & imperfections therein contained: And deuiſed and exhibited into this honourable Court, partly of malice and euill will, without any iuſt cauſe conceiued againſt the ſaid defendant, to the intent thereby vniuſtly to vexe & moleſt him with tedious trauell, being an aged man, and to put him vnto great expences, being very poore: But chiefely to thintent and purpoſe to wearie, impouerish, and terrifie him this defendant: Neuertheleſſe, if by the order of this honorable Court, this defendant ſhalbe compelled to make any further or other aunſwere vnto the ſaid vntrue, incertaine, & inſufficient bil of complaint, then and not otherwiſe the aduantage of exception Sect. 69.

thereof to this defendant, at all and euerie time and times hereafter saued, for further answere thereunto, and for a full and plaine declaration of the trueth, touching so much of the materiall contents of the said bill, as in any sort concerneth this defendant, He for himselfe saith, that whereas the said complainant in his said bill alleageth, that one H. E. his father deceased, was in his life time by good and lawfull conueyance and assurance in the Law, lawfully seised to him and his heires in fee simple, according to the custome of the said manor of W. in the saide bill mentioned, of one copyhold or customarie messuage or tenement, and of certaine customarie lands, meadowes, and pasture, to the quantitie of an hundred acres, or thereabouts: and that he being thereof so seised, and visited with sickues, during the minoritie of the said Complainant, by good and lawfull conueiance and assurancein the Lawe, and according to the Custome of the said manor of W. did conuey, assure, and surrender the same Copyhold or Customarie messuage or tenement, and other the premisses with the appurtenances thereunto belonging for his better maintenance, to the vse of the said cõplainant, To haue and to hold to the said complainant, and to his heires and assignes, at the will of the said Lord, according to the custome of the said manor: And that by force thereof the said complainant in the Court of the saide manor, paid his fine and was of the said copyhold or customarie tenements with thappurtenances, by the then steward of the said manor of W. admitted tenant. He this defendant saith, that to his knowledge, the said H. E. late father of the said complainant was neuer either lawfully seised to him and to his heires, according to the custome of the said manor of W. of the said tenements and premisses in the said bill mentioned, by any good and lawfull conueyance and assurance in the law, according to the custome of the said manor: Nor did euer conuey, assure, and surrender the said customarie tenements, and other the premisses, to the vse of the said complainant his heires and assignes: Neither did the said complainant euer pay his fine for the same in the saide court, neither was he euer lawfully admitted tenant thereof, as he the said complainant in his said bill vntruely pretendeth. And whereas the said complainant in his said bill also pretendeth, that the euidences and copies, of, and concerning the said messuage, lands, tenements, and premisses, being left in the hands, custody, & possession of the said complainants father whilest he liued, in right belonging vnto this complainant are now by casuall meanes comen to the hands and possession of this defendant, and that he by colour of the hauing thereof, hath wrongfully entred into the said messuage, lands, and premisses aforesaid, and hath made & conueyed to himselfe and to others to his vse, diuers and sundry secret estates therein, and doth pretend thereof wholly to disinherite the

said

ſaid complainant, This defendant ſaith, that none euidences or copies, of, or concerning the ſaid meſuage, tenements, and premiſſes, are by caſuall meanes, or otherwiſe come to the hands or poſſeſſion of this defendant, and that by colour of hauing thereof, he this defendant, neither wrongfully entred into the ſaid meſuage, tenements, and premiſſes, nor any part thereof, neither hath he this defendant conueyed, to himſelfe, or to any other perſon to his vſe, diuers and ſundrie, or anie ſecrete eſtates thereof, neither doth he pretend thereof wholly to diſinherite the ſaid complaint, as in the ſaid bill it is vntruely alleaged: without that, that the ſaid complainant by diuers and ſundrie meanes in friendly manner hath oftentimes ſought to haue the ſaid euidences and copies, and requeſted the ſame at the handes of this defendant, And alſo that he would yeeld vnto your ſaid Orator the quiet poſſeſſion of the ſaid meſuage, tenements, and premiſſes, or that he this defendant doth well know the ſame, in right to belong vnto him the ſaid complainant, as in the ſaid bill it is vntruely alleaged: And without that ỳ he this defendant of malice againſt the ſaid complainant doth threaten him the ſaid coõplainant, in ſuch ſort, that he for want of the ſaid euidences, dareth not make his iuſt & lawfull entrie or claime, to, & in the ſame premiſſes, or that he the ſaid defendant hath or could commit, or doth, or can continue daily committing great & outragious waſtes and ſpoiles, in decaying of the houſes, and felling downe of the woods and timber trees of the premiſſes, to the great loſſe and diſheriſon of the ſaid complainant, and contrarie to all right, equitie, and good conſcience, as in, and by his ſaid bill of complaint he hath moſt vainely and vntruely alleaged. For touching the ſaid ſuppoſed threats, this defendant ſaith, that he is a verie feeble poore olde quiet man, verie deſirous of the fauour and good will of all men, and therfore neither willing, nor able by his threats to terrifie or feare the ſaid complainant, being a gentleman of worſhip, power, and liuing, hauing many kinſfolkes, alies, friendes, and ſeruants, ſo that he this defendãt hath rather iuſt cauſe to be affraid of the ſaid complainant then the ſaid complainant to feare him. And further touching the ſaid waſtes and ſpoyles, this defendant ſaith, that the ſaid cuſtomarie or Copihold in ℣. aforeſaid, are holden of the manor of ℣. aforeſaid. And without that, that the ſaid complainant hath, or euer had anie lawfull title to commence anie action or ſuite, or to make anie entrie, againſt or vpon this defendant, for anie landes, tenements, or hereditaments, in the ſaid bill of complaint mentioned, as it is therein vntruely alleaged: And without that, that this defendant can vpon his corporall Oath manifeſt ſuch matter, whereby the ſaide complainant may the more better, eaſily and readily proceed and attain to the recouering of anie iuſt or lawfull right or inheritance, or in anie

other

other maner then in this answere is set downe, as the said complainant vnwisely gesseth, and most vainely hopeth, as he in his said bill alleageth: And without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said bill of complaint conteined, materiall or effectuall in the law to be answered vnto by this defendant, and not herein confessed and auoided, denied or trauersed, is true. All which matters this defendant is ready to auerre and proue, as this honorable Court shall award: And therefore prayeth to be dismissed out of the same, with his reasonable costes and charges in this behalfe wrongfully and without cause sustained.

The Replication of H.E. Esquier complainant, to the Answere of H. H. defendant.

Sect. 70.

THe said Complaynant for Replication saith, that he will auerre, A maintaine, and iustifie his said bill of cõplaint, into this honorable Court exhibited, and euery matter and thing therein conteined, to be certeine, true, and sufficient in the Law to be answered vnto by the said defendant, And not deuised and exhibited into this honorable Court of any malice or euill will, but vpon iust cause conceiued against the said defendant, as the said defendant in his answere vntruely hath alleaged. And for further replication saith, that the said H. E. late father of this Repliant, was lawfully seised to him & to his heires, according to the custome of the said manor of W. of the said tenements and other things in the said bill mencioned, by good & lawfull conueyance and assurance in the law, according to the custome of the said manor: And did conuay, assure, and surrender the said customarie tenements & premisses to the vse of the said Repliant and of his heires, and the said complainant did pay his fine therefore, and was lawfully admitted tenant thereof, as he the said complainant in his said bill very truely pretendeth. And also he saith, that the euidences and copies, of, and concerning the said tenements and premisses, are comen to the hands of the said defendant, and that by colour thereof the said defendant hath wrongfully entred into the said messuage, tenements & premisses, & hath conuayed to himselfe and to others to his vse, diuers & sundry secret estates therein, as in his said bill of complaint is also most truely declared: And that the said complainant hath oftentimes sought & requested to haue the said writings, copies, & euidences at the hands of the said defendant: And also that he would yeld vnto him the quiet possession of the said messuage & premisses, And also that the said defendant hath and still doth commit, and continue daily committing great and outragious wastes & spoiles, in decaying of the houses, and felling downe of the woods and timber trees of the premisses, to the losse and disherison of him this complaynant,

nant, as in the ſaid bill of complaint is truely alleaged: And without that, that any other matter or thing contained in the ſaid anſwere material or effectual to be replied vnto, and not herein ſufficiently confeſſed or auoided, trauerſed or denied, is true. All which this complainant is ready to auerre and proue, as this honorable Court ſhall award. And praieth as he before in his ſaid bill of complaint hath praied.

A Bill to ſtay ſuite at the common law vpon an obligation, becauſe the money is ſatisfied in diuers payments and reckonings.

A IN moſt humble wiſe complayning, ſheweth to your good Lordſhip Sect. 71.
Fr. N. That whereas one H. B. of D. in the Countie of D. Eſquier, now deceaſed, hauing many daughters to aduaunce, which were then but of tender yeares, did about one and twentie yeares now laſt paſt, make his laſt will and teſtament in writing, and by the ſame did giue and deuiſe amongſt diuers and ſundrie other legacies amounting to a verie great value, the ſumme of one hundred pounds to A. one of his daughters, and of his ſaid laſt will & teſtament did nominate, cõſtitute, and appoint your ſaid Orator, and one G. R. Eſquier, being his neere kinſeman, & aſſured good friend his executors: but alſo did commit the gouernment & education of his ſaid children vnto them, and after died. By and after whoſe deceaſe, and before the probate of the ſaid laſt will, & teſtament, the ſaid R. died: by reaſon whereof your ſaid Orator alone proued the ſaid will, and tooke vpon him the execution of the ſame, and afterward, one I. W. being a mã very baſely borne, & of very little credit, did without the priuity, conſent, or good liking of your ſaid Orator, or of any other to whom the ſaid H. B. had committed the gouernment and education of his ſaid children, cõtract himſelfe with the ſaid Anne, and with her did marie: After which mariage, albeit your ſaid Orator greatly miſliked therewith, and that the ſaid H. B. had bequeathed vnto the ſaid Anne, but the ſumme of one hundred pounds, yet your ſaid Orator in reſpect of the neere aliance betweene him & the ſaid children, and to the end they ſhould liue in the better credite & accompt, was amongſt ẏ reſt contented to beſtow on the ſaid Anne one hundred pounds more then hir ſaid father bequeathed vnto hir: & thereupon at the ſpeciall requeſt & earneſt ſuit of the ſaid I. W. & the ſaid Anne then being his wife, and for their better credit, aduancement & preferment, did not only preſently pay and deliuer to the ſaid I. W. in ready money, the ſumme of 50. pounds, parcell of the ſaid ſumme of one hundred pounds ſo bequeathed to the ſaid A. his wife, as is aforeſaid, but alſo became bound vnto the ſaid I. W. in the ſumme of an hundred poundes for the paiment of fiftie pounds more at certaine times in the condition of the ſaid Obligation mencioned, which amounted to the full ſumme of one hundred pounds, ſo bequeathed as is aforeſaid to the ſaid Anne,

And

And then also became bound vnto the said I.W. in one other bond, in the summe of 200. pounds, for the payment of one hundred pounds, at certaine times in the condition of the said obligation limited, which your said Orator of his owne liberalitie, and for the aduancement of the aforesaid Anne, gaue vnto her sithence: which bondes so made, the said I.W. hauing had manie occasiõs to vse money, hath often made means to your said Orator to relieue his necessitie therein, before such time as the same summes or anie of them grew due vnto him, to be paide by the said seuerall Obligations, by reason whereof your said Orator about the first daie of July, in the two and thirtieth yeere of the Queenes Maiesties raigne that now is, paid and deliuered vnto the said I.W. the summe of fiftie pounds more in part of paiment and satisfaction of the said summe of one hundred and fiftie pounds growing by the said two seuerall obligations, wherin your said Orator standeth so bound, as is aforesaid: and your said Orator likewise paid and deliuered vnto the said I.W. at such times as the said I.W. hath demaunded the same diuers seuerall summes of money, amounting in the whole to the summe of 21.l' 8.s. which the said I.W. hath accepted in part of paiment of the said summe of 150. pounds, and which the said I.W. knoweth to be true, and also your said Orator hath paid by the handes of F.B. to the said I.W. and in discharge of some debts due by the said I.W. and by his appointment at seuerall times the summe of lxx.l' vi.s. viii.d. which the said I.W. hath also accepted in part of payment of the said summe of one hundred and fiftie pounds, which said seuerall summes the said I.W. hath from time to time accepted, as in part of paiment, & discharge of the said summe of 150.l'. And your said Orator also standeth bound for the onely debt and duetie of the said I.W. for the payment of 20.l' more vnto I.P. Esquire, which your said Orator alwaies hath beene, and yet is readie to pay for the said I.W. when he shall be thereunto required, so that your said Orator, hath in the whole paid and satisfied vnto the said I.W. and in discharge of the debtes of the saide I.W. the full summe of one hundreth, fourescore and eight poundes and more, which is more then your said Orator needed to haue paide vnto him as ante money due vnto the said Anne, wife of the said I.W. for the saide I.W. doth very well knowe, that the said H.B. did not deuise or bequeath any more vnto the said Anne, then the summe of one hundred pounds. And doth also very well know, that he hath diuers and sundrie times, vpon the receipt and payment of the saide seuerall summes, not onely confessed the receipt of the same, but also faithfully promised vnto your said Orator, that he would cancell and deface the said obligations, yet notwithstanding, so it is, if it may please your good Lordship, that albeit the said I.W. doth very well know, that your

B

said

ſaid Orator hath fully ſatiſfied and paide vnto him the ſaid ſumme of one hundreth pounds, bequeathed by the ſaid H. B. vnto the ſaid Anne, and hath alſo fullie ſatiſfied and payed vnto him, foureſcore and eight poundes, and more, parcell of the ſaid hundreth pounds, which your ſaid Orator gaue vnto the ſaid Anne, of his owne free liberalitie, and for the aduancement of the ſaid A. and that the ſaid Obligations, viz. one of one hundreth poundes, for the payment of fiftie pounds, and one other Obligation of two hundred pounds, for the payment of one hundred pounds, which your ſaid Orator became bound in, vnto the ſaid I. W. were for the ſelfeſame debts, which your ſaid Orator hath at ſeuerall payments, as is aforeſaid, paid vnto him in diſcharge, and in part of ſatiſfaction of the ſaid ſeuerall Obligations, ought in all right, equitie, and good conſcience, to be cancelled and defaced, vpon the payment of the reſidue of the ſaid ſummes which is behind, and which your ſaid Orator is readie to pay, yet he the ſaid I. W. hauing a very greedy, and couetous diſpoſition to enrich himſelfe, albeit he doth very well know the ſaid ſeuerall Obligations, to be in effect fully ſatiſfied and diſcharged, as is aforeſaid, and that he hath not at any time beene, any thing dampnified by the forbearing of the ſaid ſeuerall ſummes, yet hath he now lately commenced ſuite vpon one of the ſaid Obligations, in her Maieſties Court of Kings Bench, and vpon the other Obligation in her Maieſties Court of common Plees, meaning to take the whole forfaiture of the ſaid ſeuerall Obligations againſt your ſaid Orator, in that your ſaid Orator did not in trueth alwaies pay vnto him the ſaid ſeuerall ſummes, according to the condition of the ſaid Obligations, but did alwaies pay the ſame at ſuch times as the ſaid I. W. had occaſion to vſe it, and as he did at any time demaund it, and doth with all the expedition he can, and with the moſt hardneſſe that he may vſe, ſeeke to recouer the penalties of the ſaid ſeuerall Obligations againſt your ſaid Orator, contrarie to all right, equitie, and good conſcience, and to the great hurt and hinderance of your ſayd Orator. And albeit your ſayd Orator hath diuers and ſundry times earneſtly required of the ſayd I. W. not only to cancel and deface the ſayd Obligations, vpon the paiment of the reſidue, and ſurceaſe his ſeuerall ſuites commenced vpon the ſame, yet that, or any of them to do he hath denied and refuſed, and ſtill doth denie and refuſe, contrary to all right, equitie, and good conſcience: In conſideration whereof, and for aſmuch as your ſaid Orator hath no good matter to pleade in barre of the ſaid ſeuerall Actions by courſe of the common Lawes, in that, albeit he hath in truth paied and ſatiſfied the ſaid ſeuerall ſummes, in ſuch ſort as the ſayd I. W. held himſelfe contented therewith, yet can he not make any proofe of the paiment of the ſame, according to the conditions of the ſaid ſeuerall

Obligations:

Obligations: And for that also the said I.W. hath not in any sort bin dampnified by the forbearing of the said summes of money, or any part thereof, and yet if he had, forsomuch as your said Orator hath fully paied vnto him fowerscore & eight pounds more then he neede to haue paied, and that of his owne liberalitie, there is now no reason why he should seeke by rigor of law to take the forfeiture of the said seuerall Obligations, albeit it were true that the same were not fully satisfied and discharged, in such sort as they ought to be: May it therefore please your good Lordship, to grant vnto your said Orator the Queenes Maiesties most gratious seuerall writs of Subpena and Iniunction to be directed to the said I. W. not only straightly charging and commaunding him by the same at a certaine day, and vnder a certaine paine therein to be contained & limitted, personally to appeare before your good Lordship, in the Queenes Maiesties most high Court of Chancerie, then & there to answere to the premisses, but also inioyning him by the same, his Counsellors, Attorneys, and Solicitors, to stay and surcease the said seuerall suits, and no further to proceede in the same, vntill other order shall be therein taken by your good Lordship. And your said Orator shall pray for your good Lordship in honor long to indure.

A Bill for the detaining of a lease for yeares, and taking the profites of the lands leased, and secret taking of a Cow distreined and impounded by the plaintife out of the pound, and charging him with the esloyning of the same Cow.

Sect' 72.

HUmblie complaining, sheweth to your good Lordship your daily Orator N.C. of H. in the countie of D. Gentleman. That whereas one T.E. of H. aforesaid gentleman, was lawfully seazed in his demesne, as of fee, of, and in diuers and sundry lands, tenements, hereditaments, with the appurtenances, set, lying, and being in H. aforesaid, And he so being thereof seised about the 20. day of May, in the 27. yeare of the raigne of our soueraigne Ladie the Queenes Maiestie that now is, at H. aforesaid, for and in consideration of a certaine summe of money to him by the said N.C. well and truely contented and paid, and by Indenture of lease, the certeine date whereof your said orator knoweth not, for that he hath not the said Indenture, did demise, grant, set, and to farme let the same vnto the said N. and his assignes, for and during the full ende and terme of two yeeres then nert following. By force whereof, your said orator was thereof lawfully possessed, vntill about the xvii. yere of the raigne of the Queenes Maiestie that now is, R.B. W.G. N.T. R.W. W.F. W.E. & K. his wife by casuall meanes hauing obteyned and gotten into their hands, or into the hands of some of them, the said Indentures, confederating themselues together of purpose,

purpoſe, to wrong your ſaid Orator, & to expell & put him from his lawfull & quiet poſſeſſion of the premiſſes, or the greateſt part thereof, entred into one parcell of the premiſſes called B. fields, being then ſowed with Dates by your ſaid Orator. and at the ſame time put in one Cow and Heyfer, very maliciouſly to depaſture and eate the graine & corne of your ſaid Orator therein then growing, which ſaid Cow & Heyfer, was, and remained there depaſturing, eating, and treading downe the ſaid graine and corne, vntill your ſaid Orator came and diſtrained the ſaid Cowe and Heyfer for dammage there doing, and impounded the ſaid Cow and Heyfer in a pound quert, at H. aforeſaid, as lawfull was for him to do, ſhortly after which impounding of the ſaid Cow and heifer, that is to ſay: vpon the twelfe day of Sept. the ſaid R. W. W. F. W. E. and K. his wife repaired vnto the dwelling houſe of your ſaid Orator at H. aforeſaid, and then and there required your ſaid Orator to deliuer the ſaid Cow and Heyfer forth of the ſaid pound, affirming that they were ſent thither to that intent and purpoſe by the ſaid R. B. W. G. and N. T. which to do, your ſaid Orator refuſed, as lawfull was for him to doe, becauſe the ſaid W. F. E. and K. his wife, nor any of them, did then and there tender vnto your ſaid Orator, any amends or ſatiſfaction, for, or towards the ſaid treſpaſſe: But ſo it is if it may pleaſe your good Lordſhip, that about a leuen or twelue of the clocke in the night of the ſaid twelfe day of Sept. the ſaid Cow and Heyfer was conueyed forth of the ſaid Pound, (the doore or gate of the ſaid pound being faſt locked) by the ſaid R. B. W. G. N. T. R. W. W. F. W. E. and K. his wife, or ſome of them, as your ſaid Orator verily thinketh, and is perſwaded in conſcience, ſithence which time, the ſaid B. G. and T. haue moſt falſely and vnconſcionably charged, and ſtill charge your ſaid Orator for the eſloyning and conueying away of the ſaid Cow and Heyfer, and haue thereupon not onely commenced ſuit againſt your ſaid Orator at the common Lawe, but alſo by colour of hauing the ſaid Indenture, haue made and contriued vnto themſelues, or ſome of them, or to ſome other perſons to their, or ſome of their vſes, ſundry ſecret eſtates of the premiſſes, and do yet moſt wrongfully deteine, and withholde the poſſeſſion of a great part of the premiſſes from your ſaid Orator, to his great hurt and impoueriſhment: And for as much as your ſaid Orator hath not any ordinarie remedie by the due courſe of the common lawes of this realme, for the recouery of the ſaid Indenture, for that he knoweth not the certaine date or contents thereof, nor wherein the ſame is conteined: And ſo thereby not only very like to loſe his lawfull and right full poſſeſſion, of, in, and to the premiſſes, but alſo ſtandeth in great daunger to loſe great dammages for the ſuppoſed eſloyning of the ſaide Cowe

and

and Heyker, vnlesse it please God, as your sayd Oratoz hopeth it will, to moue the hearts of the said B.G.E.W.F.E. and K. his wife, vpon their answeres and othes in this honozable court, to discouer and disclose the trueth of their euill dealing, and disozder in breaking of the said pound, and taking foozth of the said Cowe and Heyker, conueying them to vnknowen plates, of purpose to charge your sayd Oratoz therewith. And forasmuch, as they haue denied, and refused, and yet do refuse and denie, either to permit oz suffer your said Oratoz quietly to haue and take the issues and profites of the said premisses, oz to deliuer vnto him the said Indenture of lease, although he hath oftentimes most gently and friendly required and desired them so to do: It may therefoze please your good Lozdship &c. As before is said in Sectio 61.

The Answere of the same Bill.

Sect. 73. THE said defendants say, and either of them foz himselfe seuerally sayeth, that the said bill of complaint is very vncertaine, vntrue, and insufficient in the Lawe to be aunswered vnto by these defendants, oz any of them foz diuers apparant faults and imperfections therein contained, and the same very friuelous, as these defendants thinke foz sundzy causes, and namely, foz that, that it is thereby supposed, that they and others by reason of hauing the custody of the said supposed indenture, oz lease pretended to be made by the said T. E. in the said bill named to the said complainant of the said Demesne lands of the Highlow afozesaid, foz two yeares now ended, if any such were, haue made, oz contriued vnto themselues, oz to some other persons, and to their vses, sundzy secret estates of the premisses, where if any such estates had bin made, they be already determined. And the said def. further say, that as they verily thinke by the scope of the said bill containing in it selfe much like matter set out with many wozds, and in effect no matter wozthy to be eramined in this honourable Court, the same bill is deuised and exhibited into this honourable Court, of meere malice, and euil will, to the intent to molest and trouble these defendants, and others in the same bill named, being quiet pooze men, dwelling almost seauenscoze miles from the citie of W. with long and tedious iournies to make their personall apparance in this honozable Court, to answere the said friuolous and vntrue bill without any good oz iust cause so to do. Thaduantage of exception to the manifest incerteintie, and insufficiencie of which vntrue bill of complaint to these defendants, and eyther of them saued, foz answere thereunto, they and either of them foz himselfe seuerally sayeth, that they thinke it to be true, that the said T.E. of H. in the said bill named, was lawfully seised in his demesne, as of fee, oz fee taile, of, and in diuers lands, tenements, and hereditaments,

hereditaments, with thappurtenances, ſet, lying, and being in H. afore-ſaid, and that he being thereof ſo ſeiſed about two yeares now laſt paſt, did demiſe, graunt, ſet and to farme let, the ſame vnto the complainant for two yeares, as it is in the ſaid bil alleaged, without that, that theſe defendants of purpoſe to expell the ſaid complaynant from his lawfull poſſeſſion of the premiſſes, or the greateſt part thereof, entred into the ſaid parcell of the premiſſes, being ſowen with oates by the ſaid complainant, or at the ſame time put in one Cow, and one heifer, verie maliciouſly to depaſture and eate the graine and corne of the ſaid complainant growing therein. Or that the ſaid cow and heifer to theſe defendants knowledge, remained there depaſturing, eating, or treading downe the ſaid graine and corne, vntill the ſaid complainant came and diſtrained the ſaid Cow and Heifer, for damage their doing, and impounded the ſaid cow and heifer in a pound ouert, at H. aforeſaid to their knowledge, as in the ſaid bill is very vntruely alleaged. And without that, that ſhortly after the ſaid impounding of the ſaid cowe and heifer, that is to ſay, the eleuenth day of S. the ſaid R. W. W. F. W. E. and R. his wife, by the knowledge of the ſaid defendants or either of them repaired vnto the ſaid dwelling houſe of the ſaid complainant, at H. aforeſaid, and then and there required the ſaide complainant to deliuer the ſaid cow and heifer forth of the ſaid pound, affirming that they were ſent thither to that intent and purpoſe by theſe defendants, and the ſaid N. T. in the ſaid bill named, as in the ſaide bill is vntruely alleaged. And without that, that to theſe defendants knowledge, there was any ſuch cauſe, that any amends ſo ſhould haue bin tendered vnto the ſaide complainant, for or towards the ſaid ſuppoſed treſpas. Or that about eleuen or twelue of the Clocke in the night of the ſaide eleuenth day of S. the ſaid cow and heifer were conueied forth of the ſaide pounde by theſe defendants, or either of them, or that theſe defendants or eyther of them, haue vnconſcionably charged the ſaid complainant for the eſſoining and conueying away of the ſaid cow and heifer, or thereupon commenced any ſuite againſt the ſaid complainant at the common law, as in the ſaid Bill is very vntruely alleadged, for they theſe defendants verily thinke that there was neuer any ſuch Cow and Heyfer, ſo as is aforeſaid, diſtreyned, and without that, that theſe defendants by colour of hauing of the ſaid Indenture in the ſaid bill mentioned, haue made and conueied vnto themſelues, or to any other perſon or perſons to their vſes, any ſecrete eſtate of the premiſſes, or any part thereof, or do wrongfully deteine and withhold the poſſeſſion of a great or any part of the premiſſes, from the ſaid complainant as in the ſaid Bill of complaint it is likewiſe vntruely alleadged. And without that, that theſe defendants or either of them, haue denied & re-

fused, or yet do deny or refuse, either to permit or suffer the said complainant, quietly to haue and take the issues and profits of the premisses, or deliuer vnto him the said supposed Indenture or lease, as in the said Bill is vntruely surmised, for these defendants say, that to their knowledge, they neuer saw, nor heard read any such Indenture or lease. And without that, that any other matter, thing or things &c.

A Bill to be releeued for Obligations made for Simonie.

Sect. 74.

IN most humble wise complaining sheweth vnto your Honorable Lordship, your daily Orator W.C. parson of T. in the county of Y. That whereas about fiue yeares now last past, W. by the permission of God, now Bishop of L. and C. was lawfully seised of thaduowson of the vicarage of D. in the Countie of D. as of one in grosse, by it selfe, as of fee in right of his B. aforesaid, and vnto the same vicarage being vacant, did present your said Orator his Clerke, who was afterwards admitted, instituted and inducted into the same accordingly, which vicarage afterwards by resignation into the hands of the said B. to present againe to the same, as the very true patron thereof became voide. And afterwards your said Orator became an humble suter vnto the said B. in the behalfe of one R.W. Clerke, that it should please him to present the same R. W. to the said vicarage, which after long suit, it being first agreed betweene your saide Orator, and one C.D. with the knowledge and consent of the said B. that your said Orator in respect of the said presentation and admission of the said R. W. that there should a certaine summe of money, amounting as your said Orator thinketh to the summe of thirtie pounds, to be paid at certaine daies then betweene them agreed vpon, for the paiment thereof, and that for true paiment of the said summe at the said daies, your Orator should become bounden vnto the said C.D. by seuerall Obligations, whereupon afterwards, that is to say, the twentith day of I. which was in the eight and twentith yeare of the raigne of the Queenes most excellent Maiestie, that now is, your said Orator for the onely consideration aforesaide, and for the onely benefite of the saide R. W. aforesaide became bounden vnto the saide C. D. in foure or fiue seuerall obligations, videlicet, by some obligations in the summe of 20. pounds, or there abouts, for the paiment of ten pounds, and in some other, in other summes for paiment of fiue pounds, or there abouts, at the saide daies, and times, betweene them so as is aforesaid agreed vpon, and thereupon the saide R. W. for the saide considerations was instituted, and inducted into the said Vicarage accordingly, which bonds were so made by your saide Orator in hope, and vpon the faithfull

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promiſe of the ſaid R. W. would haue paid and diſcharged the ſaid ſeuerall ſummes of money at the ſaid daies, according to the ſeuerall conditions of the ſaid obligatiõs, but now, ſo it is, that if it may pleaſe your Honorable Lordſhip, that the ſaid R. W. though oftentimes by your ſaid Orator required, hath not paid the ſaid ſeuerall ſummes of money, nor any of them vnto the ſaid C. D. according to the ſaid ſeuerall obligations, & according to the ſaid agreement, and his ſaid promiſe in that behalfe made, as is aforeſaid, by meanes whereof, the ſaid obligations, or the moſt part of them bin forfeited, and your Orator alreadie thereupon impleaded in her Maieſties Court, called the Kings Bench, and by reaſon of the ſaid Obligations or ſome of them, very like ſpeedily to be condemned thereupon, if by your L. gratious meanes, he be not ſpeedily relieued, the which ſaid practiſes are much againſt all right, equity, & good conſcience, and to the great damage, loſſe, and hinderance of your ſaid Orator. In tender conſideration whereof, and for ſo much as the ſaid promiſe of R. W. and the ſaid agreement for the paiment of the ſaid ſeuerall ſummes of money, being matters of corruption, and vnlawful ſimony, were ſo cloſely and ſecretly wrought & contriued amongſt them, that your ſaid Orator is not able to make any ſuch due proofe thereof, as the ſtrict courſe of the common lawes of the Realme, in this behalfe requireth, and ſo your L. ſaid Orator is vtterly without remedy by the common lawes to auoid the ſaid bond, or to make proofe of the ſaid aſſumption, and promiſe of the ſaid R. W. though the ſame be ſo well knowne vnto the ſaid Biſhop, & the ſaid C. D. his factor, procurator, for ſuch contracts of ſimony, and alſo to the ſaid R. W. that your Orator verely thinketh they will vpon their anſweres hereunto in this honorable court, vpon their corporall oathes, if they be not altogether blinded with extreame couetouſnes, confeſſe the truth to be, as is aboueſaid, It may therefore pleaſe your honorable Lordſhip to grant vnto your ſaid Orator, her Maieſties moſt gratious writ of Subpena, to be directed vnto the ſaid W. B. and vnto the ſaid C. D. and R. W. thereby commanding them and euery of them, at a certaine day, and vnder a certaine paine therein to be limited by your Lordſhip, to be, and perſonally to appeare before your honorable Lordſhip, in her Maieſties moſt high court of Chancery, then & there to anſwer vnto the premiſſes, & to abide ſuch further order and direction therein, as to your honorable Lordſhip ſhall ſeeme to ſtand with right, equity, and good conſcience, and alſo to grant vnto your ſaid Orator, her Maieſties moſt gratious writ of Iniunction, to be directed vnto the ſaid C. D. thereby commaunding and inioyning him, and all his Counſailers, Soliciters, and Atturneies, to ſtay his ſaid ſuites and proceedings, againſt your ſaid Orator, at, and by the common lawes, vntill the premiſſes ſhall be heard and determined, or otherwiſe

ordered in this honourable Court, and your said Orator shall daily pray vnto Almightie God for the preseruation of your honourable Lordship in good health long to continue.

A Bill for Boording.

Se⁵ 75. HVmbly complaining, sheweth vnto your Lordshippe, your daily Orator F. W. of R. in the Countie of L. Gentleman, That whereas about foure or fiue yeeres since, one E. C. then the widowe of B. C. and nowe wife to R. H. of N. in the Countie of L. Yeoman, verie earnestly and instantly required of your saide Orator not onely for her selfe and her sonne to be tabled or boorded at the house of the said complainant, but also haue house roome for continuall abode and lodging with him likewise, promising liberally and fully to recompence both the cost and trouble which your saide Orator, or his household should sustaine therein, vppon hope of which promise and agreement, your saide Orator did to the full request and satisfaction of the saide E. table and lodge the saide E. and her sonne being of the age of seuen yeeres, or thereabouts, during her widowhoode, by the space of two yeeres at the least, ended about the Annunciation of the Virgine Marie, in the twentith yeere of the Queenes Maiesties Raigne, about which time the said E. tooke to husband the said R. H. after which mariage, vpon like promise and agreement which the saide R. your saide Orator did likewise boorde or table, and lodge in his house the said R. and E. her sonne, and a seruant by the space of one whole yeere and a halfe ended about May day last past, during which time also the said R. put your said Orator to great charge and trouble, with diuers horse as well kept in the houses of your said Orator, and at his cost, as also abroade in his closes and pastures, notwithstanding all which costs, troubles, and charges of your said Orator, Now so it is, if it may please your Lordship, that the said R. and E. being departed from the house of your said Orator, craftely, deceiptfully, & vnconcionably, refuse vtterly and denie to giue any recompence or consideration to your said Orator for their meate, drinke, lodging, or other charges, contrarie to all humanitie, equitie, and right. In tender consideration thereof, and for that your said Orator, is without all helpe, by the strict order and course at the common law, for that for the said tabling, lodging & charges, there was no certaine time, nor no certaine summe of money agreed vpon, amongest the said parties, nor promised by the said R. and E. and that also the said agreement was betweene themselues only, without any witnesse, May it please your Lordship to grant vnto your said Orator the Queenes Maiesties writ of Subpena to be directed to the said R. and E. and your said Orator shall daily pray for your good Lordshippe &c. A

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A demurrer for double vexation.

The demurrer of R. and W. defendants to the Bill of G. W. complainant.

A THE ſaid defendant by protestation, not confeſſing or acknowledging any thing in the ſaid bill alleaged, materiall againſt this defendant to charge him to be true, but rather deuiſed and ſet foorth, onely of purpoſe to put this defendant to wrongfull veration, coſtes, charges, and expences in the lawe, for that before this time, that is to ſay, about the terme of Eaſter, in the fiue and twentith yere of the raigne of our ſoueraigne Lady the Q. maieſtie, that now is, the ſaid complainant vnto this honorable Court of Chauncery, exhibited againſt this defend. a Bill contayning in effect, the ſame matter which is alleaged in the bill now exhibited, differing onely in forme, but nothing in ſubſtance, ſauing by adding ſome fiue acres, as the number of foure or fiue, as eſtimating one cloſe in this bill at foure acres in the former eſtimated but at two, or there abouts, and an other cloſe in this bill now exhibited, at three acres, in the former eſtimated at two or thereabouts, and putting ſome acres to ſome other cloſes, the which before were ſet downe without limitation or naming of any acres at all, being the ſelfeſame cloſes and meſſuage in the former bill expreſſed, vſed and occupied by the ſame title and name, and the ſame number of acres, now put in more of purpoſe, to giue the ſame complainant ſome colour to exhibit this bill, as though it were a new matter although in deede it be nothing ſo. To which former bill this defendant anſwered, and thereto the ſaid complainant replied, and this defendant reioined and ſo diſcended to Commiſſion, wherein this defendant ioined with the ſaid complainant, and named Commiſſioners for himſelfe, as the ſaid complainant named others for himſelfe, and this defendant then bare halfe the charges of the ſame Commiſſion, as in ſuch caſes is vſed. And when the time came, that the ſame commiſſion was to be ſitten on, the ſaid complainant forefollowed the ſame, neither gaue any warning to this defendant, nor laboured his owne commiſſioners, that this defendant euer heard of, to meete for the execution of the ſame, but ſuffered the ſame to ſtay by the ſpace of fiue or ſixe termes, or thereabouts, as this defendant remembreth: whereupon this defendaunt for his owne expedition at his owne coſtes and charges, procured a commiſſion for examination of witneſſes in that matter directed to the ſelfe ſame commiſſioners, that the former commiſſion was, and gaue notice thereof to the ſaid complainants, and to one of his commiſſioners, who agreed to meete at the day and place appointed, where this defendant was preſent with his commiſſioners and witneſſes, and one of the ſaid com- Sect. 76.

plainants commissioners was in the towne where the place was appointed the same day and time readie to haue executed the said commission, if the said complainant would haue spoken to him therefore, as this defendant was credibly informed, and the said complainant was there present at the same time and place, and did, or might haue spoken with him that was named commissioner, for him who had a dwelling house in the same towne, being the towne of M. in the same Countie: and then and there the deponents, vpon this defendantes behalfe were sworne and examined by and before these defendants then commissioners, and some of them sworne in the presence of the said complainant, And thereupon the depositions and examinations of the witnesses so sworne, were by these defendants, then commissioners, caused to be ingrossed in parchment, and certified into this honorable court, and afterwards published, and after publication this defendant staied without doing any thing therein by the space of two termes or thereabouts, during which time the said complainant, did or said nothing at all in the said court touching the said suit, that this defendant euer heard of. And then this def. caused the said depositions to be exemplified vnder the great seale of Eng. to his great charges which he hath readie to shew to this H. Court. And the said complainant being not contented with these caulels verations of this defendant: Anone after that this complainant had obtained the said commission, the said cõplainant for this defendants further veration, commenced suit against this defendant in the ecclesiasticall court of the Archb. of Yorke, within whose dioces the same lands and tenements in M. in the bill mentioned be, & where the said father of this complainant and defendant died, vpon surmised matters, touching the supposed will mentioned in the said bill, whereupon this defendant to his great charges appeared & answered as behoued for the time, by himselfe & his procter as is there vsual, whith suit the said complainant relinquished also as this defendant thinketh, for he hath heard nothing therof these xii. moneths and more. And now the said complainant meaning nothing else but this defendants trouble & molestation, hath renued the said suit in this H. Court againe, which before he had in the same court by the said first bill, conteining the same matters in effect & almost word for word as in the same bill is mentioned, whereunto this defendant hath alreadie answered, as appeareth by the same answere remaining of record here in this court, and the same proceeded vpon both as afore is said: wherefore this defendant for the causes aforesaid, and for the said double veration in this honorable court by two bils conteining in effect but one matter in substance, demurreth in law and praieth that he this defendant may be dismissed out of this honorable court, with his reasonable costes and charges in this suit wrongfully sustained.

A Bill for not ſurrendring a leaſe made by the Plaintife to the defendant in truſt, to trie a title, and for occupying, and waſting the tenth demiſed and for deteining of writings of copyhold lands, contrarie to their agreement.

A HUmbly complaining, ſheweth vnto your H. Lordſhip your daily Oratoꝛ I. K. of W. in the Countie of Y. yeoman, that whereas about 40. yeeres now laſt paſt, one W. Y. yeoman, was lawfully ſeaſed in his demeſne, as of fee, of & in one meſuage, with thappurtenances in E. in the County of Y. and of, & in diuers lands, tenements, meadowes, paſtures, & hereditaments therunto belonging, being freehold land in E aforeſaid, & H. in the ſaid county of N. and he being there of ſuch eſtate ſo ſeazed about the firſt yeere of the raigne of the Q. Maieſty that now is, by his laſt will and teſtament in writing made, & written in the life time of the ſaid W. Y. did giue & bequeath the ſame to one E. then his wife, & now wife vnto your ſaid Oratoꝛ, foꝛ the time of her natural life, the remainder thereof after her deceaſe to one R. Y. as by the ſaid will appeareth, and afterward the ſaid W. Y. died of ſuch his eſtate thereof, ſo as is foꝛeſaid ſeiſed, by foꝛce of which wil and deuice, the ſaid E. by and after his death, entred into the ſaid meſuage oꝛ tenements, & was thereof lawfully ſeaſed in her demeſne as of freehold, foꝛ the terme of her life, the remainder thereof after her deceaſe to the ſaid R. Y. in foꝛme aforeſaid belonging: & alſo whereas the ſaid W. Y. was in his life alſo ſeaſed of oꝛ in certain copihold, oꝛ cuſtomary lands, lying & being within the manoꝛ of S. in the ſaid county of N. and holden of the ſaid manoꝛ by copy of the court rolles of the ſame manoꝛ in his demeſne, as of fee, accoꝛding to the cuſtome of the ſaid manoꝛ, and he being therof ſo ſeazed died therof ſo ſeazed, by & after whoſe death, the ſaid E. his wife was endowed of the third part of the ſaid copihold oꝛ cuſtomary lands and tenements, and accoꝛding to the cuſtome of the ſaid manoꝛ, admitted therof tenant by the Steward of the Court of the ſaid manoꝛ accoꝛdingly, by foꝛce wherof ſhe likewiſe entred into the third part of the ſaid cuſtomary tenements and pꝛemiſſes, and was therof likewiſe ſeazed in her demeſne as of freehold as tenant in dower therof foꝛ the terme of her life naturall, accoꝛding to the ſaid ouſtome, and quietly and peacably occupied and enioyed the ſame vntil about ten yeares now laſt paſt. Now that your ſaid Oratoꝛ thꝛough impoꝛtunancy and earneſt perſwaſions of ſome friends of the ſaid I. T. and A. L. was contented in ſome maner to yeeld vnto their ſuit, and therupon, foꝛ the furtherance and triall of the title and intereſt of the ſaid I. T. about the fourteenth day of I. in the 26. yeare of the Queens Maieſties raign that now is, without any fine, income, oꝛ other cõſideration to him paid, but giuing credit vnto

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the speaches of the said I.T. and A.L. that they would seeke nothing at the hands of him your said Orator, but onely vse the benefit of his present estate, for the resisting of certaine vnlawfull suits, & attempts which were then offered (as they then affirmed) by the said R. and others, did by this your said Orators Indenture of lease, bearing date about the said time demise, graunt, and to farme let, to the said I.T. and A.L. all the said freehold lands, tenements, and hereditaments, with the appurtenances in E. and H. aforesaid, to haue and to hold the said tenements and premisses, with the appurtenances to the said I.T. and A.L. their executors and assignes, from the feast of S.M. the Bishop in winter last past, before the date of the said Indenture vnto the full end and terme of 21. yeeres thence nert following, and fully to be complete and ended, if the said E. did so long liue, yeelding and paying therefore yearely during the said terme of 21. yeeres vnto your said Orator, his executors, administrators, and assignes, twenty shillings of lawfull English money, at the feastes of Pentecost, and Saint Martin the Bishop in Winter by euen portions, as by the same Indenture more at large appeareth: by vertue and pretence of which demise, the said I.T. and A.L. into all the said tenements and premisses with the appurtenances about the same time entred, and were thereof possessed, and euer since their entrie haue quietly and peaceably occupied and enioyed the said demised tenements, and premisses, and the rents, issues, and profits thereof arising and comming haue quietly, and peaceably taken and conuerted to their owne only vse, which rents, issues, and profits of the premisses, euer since the making of the said leases, which is by the space of ten yeeres now last past, haue bin yearely worth four pounds at the least, ouer and aboue all charges and reprises. And in truth at the time of the making of the same lease, it was fully concluded, and agreed, by and betweene your said Orator the said I.T. and the said A.L. and the said I.T. and A.L. in consideration of the making of the said lease to them by your said Orator in maner and forme aforesaid, and for the causes aforesaid, promised, that the said lease, and their said estate thereby made, should be surrendred and yelded vp vnto your said Orator, when eyther the said suits were ended betweene the said R. and them, or either of them, or when they by vertue of the said lease had enioyed the same demised tenements and premisses by the space of one whole yeare, for then the same lease was so as is aforesaid, made onely for the defence and trial of the said estate, right and title of the said I.T. and A.L. of, and in the same tenements and premisses, and not to thintent that they, or either of them should by reason of the same Indenture according to the purport and tenor thereof, for the terme of one and twentie yeares haue and enioy the same, for so small a rent,

which

which neuertheleſſe they haue done, and yet do ſo occupie and enioy the ſame, contrarie to their ſaid faithfull promiſe & agreement, as is afore-ſaid thereof made: and yet not contenting themſelues with the ſaid occupation of the ſaid tenements, &c. do not onely denie and refuſe to yeeld vnto your ſaid Orator either the ſaid yearely rent reſerued vpon the ſaid leaſe, or any other conſideration for the occupying of the ſame, and vtterly denie to yeeld vnto your ſaid Orator any rent or conſideration for the ſame, being ſo as aforeſaid, behinde by the ſpace of ten yeares: but alſo do vtterly denie to yeeld vp vnto your ſaid Orator their ſaid eſtate and terme of yeares, yet to come, of, and in the ſaid demiſed tenements and premiſſes according to their faithfull promiſes and agreement, ſo as is aforeſaid made, and further ſince their ſaid entrie into the ſaid tenements and premiſſes, they the ſaid I. T. and A. L. or the one of them haue razed or defaced all or part of the houſes, edifices, and buildings, which at the time of the making of the ſame leaſe were ſtanding and being vpon the ſaid demiſed tenements and premiſſes, and the thacke, ſlate, timber, and ſtone thereof, haue either giuen away or conuerted the ſame to their owne vſes, without the conſent of your ſaid Orator, to the intent that the ſame tenements might ſo be made vnmeete for the habitation of your ſaid Orator, and his ſaid wife, whereby they might the rather enforce your ſaid Orator for want of the ſaid buildings to yeeld the ſame vnto them, for little or nothing, by reaſon of the want of the ſaid Indenture there being only one part thereof made together, which with ſuch copies as concerne the ſaid copyhold lands, are in the hands and poſſeſſion of the ſaid I. T. and A. L. or of one of them, or of ſome other perſons by the deliuery of them, or of the one of them, the certaine number, dates, contents, and other certainties whereof your ſaid Orator knoweth not: and albeit that your ſaid Orator hath diuers times in gentle maner required them the ſaid I. T. and A. L. to deliuer vnto your ſaid Orator the ſaid Indenture and copies, and to yeeld vp and ſurrender vnto your ſaid Orator the ſaid intereſt, of, and in the ſaid demiſed tenements and premiſſes, according to the ſaid agreement and truſt, yet they ſo to do, haue euer hetherto refuſed and denied, and yet do denie and refuſe to do the ſame, and to yeeld vp and ſurrender the ſaid eſtate of, and in the ſaid premiſſes, according to the truſt in them repoſed, and to repaire and reedifie the ſaid tenements and premiſſes ſo by them razed, and pulled downe, as is aforeſaid, againſt all right, equity and good conſcience, and againſt all good and honeſt dealing, and to the impouerifhing, and vtter vndoing of your ſaid Orator, and his ſaid wife, if ſpeedy remedy be not in due time by your Honorable Lordſhip prouided for the repreſſing of their ſaid vnconſcionable purpoſes and attempts in the premiſſes. In tender conſideration whereof, and for ſo much

much as the ſaid Indenture, concluſion, promiſes, and agreements, ſo is aforeſaid, had and made, by, and betweene your ſaid Orator & the ſaid I.T. and A.L. concerning the premiſſes, were ſecretly made and agreed vpon, by and betweene themſelues, and few witneſſes being priuy thereunto or preſent with them at the time of the making thereof, which might teſtifie the ſame, and thoſe witneſſes, (ſuch as they were) be now either dead, or vnto your ſaid Orator vtterly vnknowen, being at the ſame time meere ſtrangers vnto your ſaid Orator, & then brought thither by them the ſaid I.T. and A.L. as it ſeemed, of ſet purpoſe to circumuent & deceiue your ſaid Orator, and his wife in the premiſes, your ſaid Orator then referring eſpeciall truſt and confidence to the ſaid I.T. and A.L. as perſons whom he tooke, and accompted to haue bin his very eſpeciall goods friends, and alſo very ſubſtantiall honeſt men, is vtterly without all remedy by the ſtrict courſe of the cõmon lawes of this realme of England, to recouer either the poſſeſſion of the ſame tenemẽts and premiſſes of the ſaid rents, they hauing his ſaid Indenture of leaſe as is aforeſaid, or to recouer the ſaid copies, It may therfore pleaſe your honorable Lordſhip the premiſſes gratiouſly conſidered to grant vnto your ſaid Orator, the Q. Maieſties moſt gratious writ of Subpena out of her highneſſe court of Chancery, to be directed to the ſaid I.T. and A.L. and either of them therby commaunding them, and either of them at a certaine day, and vnder a certaine paine therein to be limitted, to be and perſonally to appeare before your honorable Lordſhip, in the ſaide court of C. Then and there to anſwere vnto the premiſſes, and to ſtand to, and abide to ſuch further order & direction therein, as to your honorable Lordſhip ſhall be thought to ſtand with right, equity, and good conſcience. And your ſaid Orator ſhall daily pray vnto God for the preſeruation of your Honors proſperity and good health long to continue.

A Bill by an Adminiſtator vpon a promiſe made vnto the inteſtate by the defendant, to pay vnto him certaine money in mariage of the defendants daughter with one of the inteſtates Sonnes.

Sect. 78. COmplaining, ſheweth vnto your Honorable Lordſhip, G. Earle of S. adminiſtrator of the goods and chattels of the right honorable G. Earle of S. deceaſed his late father, that wheras about ſeuen yeares now laſt paſt, there was certaine communication betweene the ſaid G. Earle of S. in his life time, and one W.R. of K. in the County of M. Eſquier, of, for, and concerning a marriage then intended to be made betweene H.T. Eſquier, one of the ſonnes of the ſaid late Earle, and E. the onely daughter, and heire apparant of the ſaid W.R. And thereupon it was fully concluded and agreed betweene the ſaid late Earle, and the ſaid W.R. and either party did mutually promiſe, and agree to A

and

and with the other, that the ſaid H. T. and the ſaid E. daughter of the ſaid W.R. ſhould marry together, according to the Eccleſiaſticall lawes of this realme of England, at a certain day by the ſaid parties for that purpoſe agreed vpon & appointed. And for, and in conſideration of the ſaid marriage to be made, as is aforeſaid, the ſaid W.R, about the ſame time did aſſume, & to the ſaid late Earle faithfully promiſe to pay and giue vnto the ſaid late Earle 4000. l. of lawfull Engliſh money, or there abouts, at certain daies likewiſe in that behalfe between them agreed vpon, & now long ſithence paſt, by reaſon of which agreement, promiſe, & aſſumption ſo made, as is aforeſaid, the ſaid H. T. did ſhortly after the ſaid agreement, marry and take to his wife the ſaid daughter of the ſaid W.R. And thereupon the ſaid W. R. did well & truly content and pay to the ſaid late Earle the ſumme of 3000. l. parcell of the ſaid ſumme of 4000. l. or there abouts. And ſhortly after & before he the ſaid late Earle had receiued the reſidue of the ſaid ſumme of 4000. l. he the ſaid Earle died. Now ſo it is, if it may pleaſe your honorable Lordſhip, that the ſaid W.R. not ignorant of the premiſſes, and nothing regarding his ſaid agreement & faithfull promiſe and aſſumption, ſo as is aforeſaid by him made, to, and with the ſaid late Earle, but imagining and fraudulently intending, aſwell the ſaid late Earle in his life time, as your ſaid orator, being adminiſtrator of the goods & chattels of the ſaid late Earle, ſince his death in this behalf falſly & deceiptfully to defraud and deceiue him of the ſum of a 1000. l. at the leſt, parcel of the ſaid ſum of 4000. l. or there abouts by him agreed & promiſed to be paid to the ſaid late E. as is aforeſaid in conſideration of the ſaid mariage, although he the ſaid W.R. hath oftentimes, aſwell by the ſaid late E. in his life time, as by the now E. ſince his death bin curteuſly required to haue paid the ſaid ſumme of 1000. l. according to his ſaid agreement, promiſe, and aſſumption, yet that to do, hath he euer hitherto denied and refuſed, and yet doth denie & refuſe to do the ſame, contrary to his ſaid faithfull promiſe & aſſumption, to the great loſſe & damage of the now E. and altogether againſt all right, equity, & good conſcience: Notwithſtanding that the ſaid late Earle, in reſpect of the ſaid mariage, hath conueyed and aſſured vnto the ſaid H. T. a good eſtate of inheritance, of diuers manors, lands, tenements, and hereditaments worth 3000. l. by the yeare, or there abouts, wherof the ſaid R. his daughter is intituled to haue dower by law: In conſideration whereof, and forſomuch as by reaſon of the great truſt & confidence which the ſaid late Earl did repoſe & put in him the ſaid W.R. the ſaid agreement, promiſe, & aſſumption, ſo as aforeſaid betweene them made, was ſo made ſecretely & priuatly betweene thēſelues only, without calling any other perſon or perſons vnto thē to be witneſſes therof, which might teſtify the ſame agreemēt, promiſe, &

aſſumption,

assumption, so that for want of witnesses to proue the said promise and assumption, this Complainant hath no remedie to recouer the same summe of one thousand pound, by the due and strict course of the common lawes of this Realme, nor otherwise to recouer the said summe of one thousand pound, if the said W.R. in his answere to the premisses vpon his Oath in this honorable Court, shall not confesse the premisses to be true, as this Complainant verily thinketh that he will: It may therefore please your honorable Lordship, the premisses considered, to graunt vnto this cõplainant, the Queenes Maiesties writt of Subpena, to be directed vnto the said W. R. thereby commaunding him at a certaine day, and vnder a certaine paine, therein by your good Lordship, to be limitted, to be, &c personally to appeare before your honorable Lordship, in her Maiesties high Court of Chancerie, then and there to answere vnto the premisses, and to stand to, and abide such order and direction herein, as to your honorable Lordship shall seeme to stand with right, equitie, and good conscience. And your said Orator shall daily pray vnto Almightie God &c.

A Bill for entring into and detaining lands by colour of hauing euidence thereof, and for contriuing secret estates.

Sect. 79.

IN most humble wise sheweth and complaineth to your honorable Lordship, your daily Orator T.G. of &c. That whereas one A.G. late of H. aforesaid Esq. deceased, about sixe yeres now last past was in his life time lawfully seised in his demesne as of fee, of, and in one parcell of meadow called the H. meadow, containing by estimation two acres, lying and being in H. in the said Countie of &c. And the said A.G. so being of all and singuler the said premisses seised, about sixe yeares now last passed of such estate thereof died seised, By and after whose death, all and singuler the said premisses discended and came, as the same of right ought to discend and come to your said Orator, as brother and next heire to the said A. G. whereupon your said Orator immediatly after the death of the said A.G. entred into all and singuler the said premisses, and was thereof lawfully seised in his demesne as of fee, and the issues and profits of all and singuler the said premisses, did receiue, perceiue, and take to his owne vse, as lawfull was for him to do: But so it is right honorable Lord, that about three yeares now last past, all and singuler the deedes, euidences, muniments, terrers, and writings, concerning the said premisses, and of right belonging to your said Orator, by casuall meanes are comen to the hands and custodie of E.B. and W.E. who by colour of hauing the said deeds, euidences, muniments, terrers, and writings in their hands, haue not only wrongfully entred into all and singuler the said premisses, and expulsed and put out your

said

ſaid Oꝛatoꝛ, of, and from the ſame, but alſo haue contriued and made diuers and ſundꝛie feined and ſecret eſtates of the ſaid pꝛemiſſes, to diuers perſons to your ſaide Oꝛatoꝛ vnknowen, ſo that your ſaid Oꝛatoꝛ knoweth not againſt whom to bꝛing his action by the due oꝛder and courſe of the common lawes of this Realme, foꝛ the recouerie of the ſaid lands, meadowes, and pꝛemiſſes, to the manifeſt diſinheriſon of your ſaid Oꝛatoꝛ and his heires foꝛ euer, vnleſſe your good L. accuſtomed fauour and ſpeedie redꝛeſſe be vnto him ſhewed in that behalfe, and foꝛ that your ſaide Oꝛatoꝛ knoweth not the certaine number of the ſaide deeds, euidences, muniments, terrers, and wꝛitings, noꝛ the true dates of them, noꝛ wherein the ſame, noꝛ any of them be contained, whether in bore, bagge, oꝛ chiſt locked, ſealed, oꝛ open, he is alſo without his remedie by the due oꝛder and courſe of the common lawes of this Realme, foꝛ the recouery of the ſaid deeds, euidences, muniments, terrers, and wꝛitings, vnleſſe your L. help and ſpeedie remedie herein be to your ſaid Oratoꝛ extended: It may therefoꝛe pleaſe your honourable Loꝛdſhip, the pꝛemiſſes conſidered, to grant vnto your ſaid Oꝛatoꝛ, the Queenes Maieſties moſt gratious wꝛit of Subpena, to be directed to the ſaid E. B. and W. E. and either of them, commaunding them and either of them there by, at a certaine day, and vnder a certaine paine in the ſaid wꝛit to be limitted and appointed, perſonally to be and appeare befoꝛe your honoꝛable Loꝛdſhip in the Queenes high Court of Chancerie, then and there to anſwere vnto the ſaid pꝛemiſſes &c. And further to abide ſuch oꝛder and direction therein, as to your good Loꝛdſhip ſhal ſeeme to ſtand with equitie and good conſcience. And your ſaid Oꝛatoꝛ ſhall daily pꝛay vnto Almightie God foꝛ the pꝛeſeruation of your honoꝛable Loꝛdſhippe in good health long to continue.

A Bill that the Plaintife was ſeiſed in fee of Copyhold lands, and agreed in conſideration of money payable at certaine daies to leaſe the ſame to the defendant for yeares, as appeareth by articles, and that the defendant hath not paid the money, to the plaintifes loſſe and diſcredite.

A HUmbly complaining, ſheweth vnto your honoꝛable Lo. your daily Oꝛatoꝛ I. S. of H. in the Countie of N. Gentleman, That whereas vpon the viii. of Sept. in the xxxii. yeare of the Raigne of the Queenes moſt excellent Maieſtie that now is, your ſaid Oꝛatoꝛ and A. his wife, as in the right of the ſaid A. were, and yet be lawfully ſeiſed in their demeſne as of fee, accoꝛding to the cuſtome of the manoꝛ of S. in the Countie of Y. Of and in one meſuage oꝛ tenement in B. within the Chappelry of B. in the Countie of Y. then in the tenure oꝛ occupation of E. B. oꝛ of his aſſignes, And of diuers lands, meadowes, Sect. 80.

paſtures,

paſtures, commons, profits, and commodities with thappurtenances thereunto belonging. And they being therof ſo ſeiſed, it was then concluded and agreed betweene your ſaid Orator on thone partie, And I. M. and P. M. on thother partie, that your ſaide Orator and his ſaid wife within one yeare then nert inſuing, ſhould ſurrender lawfully according to the ſaid cuſtome of the ſaid manor of S. and to conuey vnto the ſaid I. M. and P. M. their executors and aſſignes the ſaid tenement and premiſſes to chuſe of the ſaid I. M. and P. M. their executors and aſſignes, from the feaſt of S. Michaell tharchangell, which ſhall be in the yeare of our Lord-God 1591. vnto the end and terme of eleuen yeares then next following, with ſufficient cartbote, heybote, and hedgebote, to be taken vpon the premiſſes, and for the yearely rent of xii. d. to be paid for the ſame at two vſuall feaſtes in the yeare, and that in conſideration thereof, the ſaid I. M. and P. M. did then couenaunt and promiſe, to pay vnto your ſaid Orator the ſumme of 55. l. of lawfull Engliſh money in manner and forme following: that is to ſay, at, or before the feaſt of S. Michaell tharchangel now laſt paſt 40. l. of lawfull Engliſh money, and at, or before the feaſt of S. Martin the Biſhop now laſt paſt 15. l. thereof reſidue, as in and by certaine Articles indented vnſealed thereof made betweene them, bearing date the ſaid xviii. day of September, in the xxxii. yeare aforeſaid amongſt diuers other things plainely appeareth: But now ſo it is, if it may pleaſe your honorable Lordſhip to vnderſtand, that the ſaid I. M. and P. M. their promiſes and aſſumption aforeſaid not regarding, but imagining, and fraudulently intending your ſaid orator in that behalfe falſly and deceiptfully to deceiue and defraud, the ſaid 55. l. nor any peny thereof, though oftentimes by your ſaid Orator gently required to make payment thereof, according to their promiſe and aſſumption aforeſaid, haue not paide, nor haue in any wiſe contented your ſaid Orator, by meanes wherof your ſaid Orator hath not onely forborne and loſt great gaines and profits, which he might haue gotten with the ſaid 55. l. by lawfull bargaining, buying & ſelling, if the ſaid I. M. & P. M. had paid the ſame, according to their promiſes, but alſo hath thereby beene greatly hindered in his credite, to diuers perſons to whom he was indebted, in ſeuerall ſummes of money, and vnto whom he your ſaid Orator promiſed and became bounde himſelfe by obligation to haue paid the ſame, at diuers daies now paſt, vpon hope of the fulfilling and performance of their ſaid promiſe, aſſumption, and agreement aforeſaid, which is to the grieuous loſſe and damage of your ſaid Orator, and altogether againſt all right, equity, and good conſcience: In tender conſideration whereof, and for ſo much as the ſaid concluſion, promiſe, and agreement was ſo priuatly & ſecretly made betweene your ſaid

Orator

Oꝛatoꝛ, and the ſaid I. M. and P. M. that no other perſons were then preſent which can teſtifie the ſame, ſo that your ſaid Oꝛatoꝛ foꝛ want of due pꝛoofe thereof, hath no remedie by the vſuall courſe of the common lawes of this Realme to recouer the ſame, noꝛ otherwiſe, if they the ſaid I. M. and P. M. in their anſweres to the pꝛemiſſes in this honoꝛable Coure ſhall not confeſſe the truth of the pꝛemiſſes to be, as is afoꝛeſaid, as your Lo. ſaid Oꝛatoꝛ verely thinketh they will: It may theꝛefoꝛe pleaſe youꝛ honoꝛable Loꝛdſhip, the pꝛemiſſes gratiouſly conſidered, to grant vnto your ſaid Oꝛatoꝛ the Queenes Maieſties wꝛit of Subpena, to be directed vnto the ſaid I. M. and P. M. thereby commaunding them, and either of them, at a certaine day, and vnder a certaine paine therein to be limitted by your good Loꝛdſhip, to be, and perſonally to appeare, befoꝛe your good Lo. in her Maieſties moſt high Court of Chancery, then and there to anſwere to the pꝛemiſſes, and further to abide ſuch oꝛder and direction therein, as to your good Loꝛdſhip ſhall ſeeme to ſtand with right, equitie and good conſcience, And your ſaide Oꝛatoꝛ ſhal daily pꝛay vnto Almightie God foꝛ the pꝛeſeruation of your honoꝛ in good health long to continue.

An Anſwere and demurrer to the ſame Bill.

A THe ſaid defendants, and either of them, making pꝛoteſtation, and not any waies confeſſing any thing in the ſaid Bill of complaint contained to be true, in ſuch manner and foꝛme, as in the ſame it is theꝛeby ſet foꝛth and declared, do further ſay, that the ſame are altogether deuiſed and contriued of malice, oꝛ ſet purpoſe, to put theſe ſaid defendants to wꝛongfull veration, great trouble, and expences in the law foꝛ following of the ſame, as they are pꝛobably induced to thinke, and without any iuſt ground, oꝛ reaſonable cauſe by them giuen vnto the ſaide complainant ſo to doe, in which reſpect, and foꝛ becauſe that it euidently appeareth by the ſaid Bill, that if the ſaid complainants allegations were true in ſuch manner & foꝛme, as in the ſaid bill they are ſet downe and declared, as theſe def. verely thinke, and are ſurely perſwaded they are not, the ſaid compl. hath good remedy & ought to ſue foꝛ the ſame by way of action, at, and by the common law of this Realme, & not in this honoꝛable court, as theſe def. and either of them take it. And foꝛ the other apparant inſufficiences in the ſaid bill of complaint contained, the ſaid defendants, & either of them demurre in law, and demaund iudgement, whether they ſhall make any further anſwere vnto the ſaid inſufficient bill of complaint, and doe further pꝛay to be diſmiſſed out of this honorable Court, with their coſts and charges in this behalfe wꝛongfully ſuſtained: And yet neuertheles, if the ſaid defendants, oꝛ either of them ſhalbe cõpelled by ỹ oꝛder of this honoꝛable court, to make any further oꝛ Sec' 81.

other

other answere to the said vntrue and insufficient bill of complaint: then they and either of them for the satisfaction of this honorable Court, in the truth of all the matters in the said bill most vntruly obiected by the said complainant against the said def. for further and ful answere thereunto, and for plaine declaration of the truth therein: They the said defendants and either of them say, that true it is indeed, that there was a certaine speech or communication had betweene the saide complainant and these said def. for such a bargaine to be had and made between them in such sort, for the lease and paiments, as they are by the said bill alleaged, the which said communication was then set downe in certaine articles bearing date, in the said complainants bill alleaged. And it was then also most materiall, for these said defendants further couenanted and agreed on the part of the said complainant, that that said communication should be by him the said complainant put in writing by deed indented, and according to law be executed by sealing & deliuering thereof, as these said defendants then did, and yet do take it, & moreouer that the said complainant and G.B. of E. in the Countie of D. Esq. shoulde become bound iointly and seuerally vnto the said def. for the true performance of all and euery the said agreements, in the summe of 110. li. before the paiment of the said summe of 40. li. in the said bill mentioned, being the first paiment which they should haue made, the which saide communication as the said defendantes did accompt it, was then set down in writing vnder the terme of Articles of agreemēt, but yet neuer meant to conclude or bind the said bargaine, vntill the same should haue bin ingrossed, sealed, & deliuered, & the said obligatiō entered at the said complainats costs and trauel, as the said def. haue euer taken it, & think the same wil proue so in law because it was referred to further writings more effectuall in the law to be accomplished by the said complainant, the which to do, he neither yet hath, neither as it seemeth meant to performe, but rather to gaine the said defendants money, without anie assurance thereof to be made vnto thē, for that he hath not caused the said articles to be ingrossed, neither hath he & the said G.B. entred into bond to the said defendants, or either of them according to the said agreement, but wholly sought, if by any meanes he could, cunningly to possesse himselfe of the said summe of 55. li. or of so much thereof, as he could without any assurance making, or entring into bond to the saide defendants, as aforesaid, to the great impouerishment of the said defendants, if the said complainants entent had taken effect, for which causes they the said defendantes thinke that the saide complainant hath no iust cause of complaint, neither are they the said defendants or either of them bound, as they take it, to performe the said paiments in the saide bill expressed, without that, that the said agreement was priuately and

secretly

ſecrettly made betweene the ſaid complainant, and the ſaid defendants as in the ſaid bill is moſt vncruly alleaged, or that the ſaid defendantes euer meant any fraud, or guile, as likewiſe in the ſaid bill is very ſlaunderouſly pretended. And without that, that any other matter or thing in the ſaid bill of complaint contained, materiall or effectuall in the law to be aunſwered vnto, and in this their aunſwere not ſufficiently aunſwered vnto confeſſed and auoided, trauerſed or denied, is true, all which matters theſe defendants, and either of them are readie to auerre and proue as this honorable Court ſhall awarde, and pray, that they may be diſmiſſed out of the ſaid Court, with their reaſonable coſts and charges in that behalfe wrongfully, and without cauſe ſuſtained.

The Replication of Io. S. complainant vnto the ioynt and ſeuerall anſweres and demurrers of I. M. and P. M. defendants.

A THE ſaid complainant for replication ſaith, in all and euerie thing and things, as he in his ſaid bill of complaint hath ſaid, and doth, and will auerre, iuſtifie and maintaine his ſaid bill of complaint, and all and euery thing and things, clauſe, ſentence, article, and allegation therein contained, to be good, iuſt, and true, certaine and ſufficient in the law to be anſwered vnto by the ſaid defendant, and deuiſed & exhibited into this honorable court, vpon good and iuſt cauſe of ſuite, as in, and by the ſaid bill is moſt truely ſet downe and diſcloſed. And not deuiſed, imagined & ſet forth by this cõplainant againſt the ſaid defendants vpon malice or ſet purpoſe, to put theſe defendãts to wrongfull and verie vniuſt veration, coſtes, charges and ſuit in law, without any good ground or cauſe ſo to doe, as in the ſaid anſwere it is vntruly alleaged. But the ſaid complainant ſaith, that the anſweres of the ſaid defendants are verie vncertaine, vntrue, and inſufficient in the law to be replied vnto for diuers and manifeſt imperfections therin contained. Neuertheleſſe, if by the order of this honorable Court, this complainant ſhall be compelled to make any further replication vnto the ſaid vntrue, incertaine, and inſufficient anſweres of the ſaid defendants, then, and not otherwiſe, the aduantage of exception, to the manifeſt incertainty and inſufficiency thereof to this complainant, at all and euery time and times hereafter ſaued, for further replication thereunto ſaith, as in the ſaid bill of cemplaint he hath ſaid, without that, that at the ſaid time of the making of the ſaid agreement in the ſaid bill and anſwere mentioned, it was further couenanted and agreed on the part of the ſaid complainant, that the ſaid communication ſhould by the ſaid complainant be put in writing by deed indented, and according to the law be executed by ſealing and deliuerie thereof. Or that Sect. 82.

this complainant, and the said G.B. Esquire in the said answere named, should become bound ioyntly, and seuerally vnto the said defendant for the true performance of all and euery the said agreements in the summe of one hundred and foztie pounds in the said bill mentioned, being the first payment which they should haue made, as in the saide answere it is very vntruely alleaged, with this, that this complainant doth & wil auerre, and proue that the said communication in the said bill and answere mentioned, set downe vnder the terme of articles of agreement was euer ment to conclude and binde the said bargaine, the same not referred to any further ceremony of engrossing, sealing and deliuerie, or entring into the said obligation by the said complainant, or G.B. at the costes and trauell of the foresaid complainant, & the said G. & this complainant also saith, that the same agreement was then fully and absolutely made, & not referred to any such further writing more effectuall in the law, to be fully accomplished by the said complainant, as in the said answere, it is coniecturally and vntruely suggested, and without that, that this complainant, and the said G.B. or either of them haue ment to gaine the said defendants money, without any assurance made of the tenements in the said bill mentioned to the saide defendants, or wholly sought by any meanes he could, cunningly to possesse himselfe of the said summe of 50.l. or of so much thereof as he could, without any assurance making, or entring into bond to the said defendants, as aforesaid, to the great impouerishment of these defendants, if the complainants intent had taken effect, as in the said answere is vntruely surmised. For this complaint saith, that euer since the making of the said bargaine and agreement, he and the said G.B. haue, and yet are readie to performe and do, whatsoeuer they did then bargaine and agree to doe, by the same articles, as vnto this honorable Court shalbe truely and sufficiently proued, and this complainant also saith, that he hath iust cause of complaint, and that the said defendants are bound to performe the said paiments in the said bill of complaint mentioned, which he hopeth, they shall be compelled to doe, by the order of this honorable Court. And without that, that any other matter, thing or things, clause sentence, article or allegation, in the said answere contained, material, or effectuall in the law, to be replied vnto, by this complainant, and not herein in this his replication by this complainant sufficiently replied vnto, confessed and auoided, denied or trauersed is true. All which matters, this complainant is readie to auerre add proue as this honorable Court shall awarde, and prayeth as he in his saide Bill of complaint hath praied.

A Bill for money lent without ſpecialty and witneſſes.

To the Right Honorable Sir T.B.&c.

A IN moſt humble wiſe complaining, ſheweth vnto your Honorable Lordſhip, your daily Orator T.G. of Aſhebourne, in the countie of Darby Gentleman, that whereas your ſaid Orator by way of preſt, at the feaſt of ℣. in the xviii. yeare of the raigne of our Soueraigne Ladie Elizabeth by the grace of God, of England, France, and Ireland, Queene defendreſſe of the faith, &c. did deliuer vnto E.C. of A. in the Countie of Y. yeoman, the ſumme of xx. pound of currant Engliſh money, to be paid vnto him your ſaid Orator, at or before feaſt of S. Bart. the Apoſtle then next enſuing: Now ſo it is, that although your ſaide Orator hath many and ſundrie times required payment of the ſaid xx. pound, yet notwithſtanding, he the ſaid E. the ſame xx. pound to your ſaid orator hath not yet paid, to the great loſſe & hinderance of him your ſaid Orator, And for becauſe your ſaid Orator hath not any ſpecialtie or witneſſe to proue the deliuery of the ſaide xx. pound, he is therefore thereof without remedie by order and courſe of the common lawes of this Realme, and is vtterly like to looſe the ſaid ſumme, contrarie to all equitie, good conſcience and true dealing, vnleſſe your honorable Lo. fauor and lawfull aide be herein ſhewed. In tender conſideration whereof, may it pleaſe your honorable Lo. the premiſſes conſidered, &c. Sect. 83.

The Anſwere of the ſaid Bill.

A THe ſaid defendant ſaith, that the ſaid Bill of complaint is very vntrue, and inſufficient in the law to be anſwered vnto, for diuers apparant matters therein conteined, and that the ſame is deuiſed by the ſaid complainant, and exhibited into this honorable court of meere malice and euill wil, to thintent to put this defendant to great charges and expences, without any good matter, or iuſt cauſe, or colour of cauſe ſo to doe: And that if the ſaid ſuppoſed matter were true, as indeede it is not, yet were the ſame determinable, at, and by the common lawes of this Realme, and not in this honorable court, whereunto this defendant prayeth to be diſmiſſed, with his reaſonable coſtes and charges in this behalfe wrongfully ſuſtained, without that, that the ſaid complainant by way of preſt at the feaſt of Penticoſt, in the ſaide three and twentith yeare of the Queenes Maieſties Raigne, or at any other time did deliuer vnto this defendant the ſaid ſumme of twentie pounds to be paid vnto him, at, or before the ſaid feaſt of S. Bart. the Apoſtle as in the ſaid Bill is ſuppoſed. And without that, that the ſaid complainant manie and ſundrie times required payment of the ſaid twenty pound, as in the ſaide Bill is likewiſe vntruely ſuppoſed. And without that, Sect. 84.

that any other matter, thing, or things, clause, sentence, article, or allegation in the said bill contained materiall or effectuall in the law to be answered vnto and not herein in this his answere sufficiently confessed, and auoided, denied, or trauersed is true. All which matters, &c.

A Bill of deteining bonds and bils paid, praying an Iniunction to stay suite thereupon.

To the Right Honorable Sir C. H. Knight of the noble order of the garter, and Lord Chauncellor of England.

Sect. 85.

HUmbly sheweth vnto your good Lo. F. L. of S. in le dale, in the Countie of D. Esquier. That whereas your said supplyant did long sithence in his fathers life time, at diuers seuerall times (the certainty whereof your Lordships said Orator doth not now remember) vpon some occasion, that he then had to vse more money then he had then in store, did borrow and take to loane of one R. S. of S. in the said Countie of D. yeoman, diuers summes of money, vpon receipt whereof, your Lordships said suppliant did alwaies deliuer vnto the said R. S. either sufficient Obligations of double the summe borrowed, or else his the said F. L. your Lo. said suppliants single bill obligatorie, for repaiment of all such summes of money as he then borrowed at such times as were then agreed vpon betweene them. And amongst the rest, your Lo. said Orator did about twentie yeares since, as he now remembreth, borrow of the said R. S. the summe of xx. l. for the repaiment wherof at a certaine day therefore, then agreed vpon betweene them, your Lo. said suppliant did then deliuer vnto the said R. S. his bill obligatorie for his sufficient assurance thereof, the which said xx. l. like as also al the other sums of money so borrowed by your L. said suppliant, as is aforesaid, he the said. F. L. your L. said suppliant, hath most certainly now long sithence repaied vnto the said R. S. at such time as he the said R. was wel therewith cõtented, as wel in ful discharge of the said bill obligatorie of xx. l. as of all the other bonds and writings so entred by your Lo. said suppliant, as is aforesaid: And in respect, that he the said R. S. had not the said bill obligatorie for the said xx. l. readie to be cancelled and redeliuered at the saide repayment of the saide xx. pound, he the said R. S. did then verie faithfully promise vnto him that made the saide repayment, that he the saide R. S. woulde assuredly cancell the said bill obligatorie, whensoeuer the same should next come into his handes: But so it is, if it may please your good L. that the saide R. S. hath lately put the said Bill for the saide xx. pound in suite, as your Lordshippes saide suppliant is credibly informed,

meaning

meaning to be double paid for the ſaid xx. pound, in the ſaid bill mentioned, againſt all equity and good conſcience: In conſideration wherof, and for aſmuch as your Lordſhips ſaid Orator hath no remedie at the common law, either to recouer the ſaid bill obligatory for the ſaid ſumme of xx. pound from the ſaid R. S. or otherwiſe to pleade in diſcharge thereof. And foraſmuch as the ſaid R. S. hath diuers other the ſaid obligations and writings yet remaining in his hands, which are likewiſe ſatiſfied, and which he hath promiſed to deliuer vnto your L. ſaid ſuppliant at diuers times now long ſithence paſſed, the which to do he hath hitherto not fulfilled, and in verie good ſort by your Lordſhips ſaid Orator, and his ſeruants oftentimes required, for like recouery or diſcharge whereof your Lordſhips ſaid ſuppliant ſtandeth likewiſe deſtitute by the ſtrict courſe of the common lawes. It may therefore pleaſe your good L. to award aſwell the Queene Maieſties moſt gratious writ of Iniunction to be directed vnto the ſaid R. S. and all and euery of his Counſellers, Attorneis, Sollicitors and Factors commcommaunding them, and euerie of them thereby at a certaine day, and vnder a certaine paine therein to be ſet downe by your good Lordſhip no further to proceede in the ſuite vpon the ſaide xx. pound bill, vntill your Lordſhippe ſhall haue taken further direction therein, as alſo the Queenes Maieſties writ of Subpena to be directed to the ſaid R. S. commaunding him thereby, &c.

A Bill to examine witneſſes in perpetuam rei memoriam, *touching a leaſe made in truſt by the plaintife to the defendants.*

To the right honorable Sir C. H. Knight, Lord Chancellor of England.

A IN moſt humble wiſe complaining ſheweth vnto your honorable Lordſhip, your ſuppliant and daily Orator T. B. of B. in the countie of Y. Eſquier. That whereas your ſaid Orator about ſixe yeares now laſt paſt, was, and yet is lawfully ſeiſed in his demeſne as of fee, of, and vpon one meſuage or tenement called B. and of diuers landes and grounds thereunto belonging, or with the ſame commonly vſed or occupied, lying and being within the Lordſhip of M. in the county of Y. and he being therof ſo ſeiſed, vpon ſpecial truſt and confidence which he then repoſed in one W. G. of B. in the countie of Y. and M. his wife, by his deed ſufficient in the law, did demiſe, grant, and to ferme let vnto the ſaid W. G. and M. his wife, when ſhe the ſaide M. was ſole and vnmaried, the ſaid meſuage, tenements, and premiſſes, To haue and to hold the ſame vnto the ſaid W. and M. from the ende and expiration of one leaſe then enduring, and now ended, which the ſaid Sect' 86.

W.G. then had in the premisses for the terme of 21. yeares, thence next following, fully to be complete and ended: which saide lease was not onely meant and entended to be to the vse of your said Orator, but also at the time of the making hereof it was so declared and expressed, aswel by your said Orator, as by the said W. and Y. in the presence of diuers witnesses, and not to the vse of the said W. and Y. as your Orator shall be able plainely to proue in this H. court, which notwithstanding by the sinister perswasion confederacie and procurement of one W.L. of C in the countie of D. yeoman, they the said W. and Y. do chalenge, and claim the said lease to be to their own vse & behoofe, cõtrarie to the foresaid trust so reposed by your said Orator in them the said W.G. and Y. and contrarie to the foresaid vse thereupon expressed, at the time of the sealing and deliuery of the foresaid lease by your said Orator vnto them as is aforesaid. And for as much as the foresaid lease in writing is absolute without any vse expressed, or declared, in the deede of the same, And also seeing such witnesses as your said Orator hath for the proofe of the foresaid vse declared (at the time of the sealing and deliuerie of the foresaid lease) are now very aged, and impotent, and not likely to liue long, and doe inhabite and dwell within the countie of Y. and are not able to trauell to the Citie of London, and if they should chance to die before they be examined concerning the premisses, then were your said Orator without all remedie, for proofe of the foresaid vse and trust so by him reposed in the saide W.G. and Y. his wife, (except by your good Lordship, it be granted vnto him, that he may haue a commission directed vnto such persons, as to your Lordship shall be thought meete, inhabiting in the said countie of Y. for the examining of the foresaide witnesses, in perpetuam rei memoriam, for the proofe of the foresaid vse and trust so reposed by your said Orator in the said W.G. and Y.) May it therefore please your most honorable Lordshippe, the premisses graciously considered, to grant to your said Orator &c.

A Bill vpon promise safely to deliuer sheepe to the Plaintife by one whose executor the Defendant is, which testator and executor conuerted the said sheepe to their owne vse, with an answere to the said Bill and replication thereunto.

To the Queens most excellent Maiestie, in her highnes court of Chauncerie.

Memor. This direction is when there is neither Lord Chauncellor, nor Lord Keeper.

Sect. 87. HVmbly complaining, sheweth vnto your Maiestie, your faithfull subiect W.P. of H. in the countie of L. gentleman, that whereas A about

about the moneth of Aprill which was in the yeare of our L. God 1590. one H.S. was lawfully poſſeſſed of 62. ſcore Ewes, and 6. ſcore lambs, as of his own proper goods, & he being of thē ſo poſſeſſed about the ſame time did ſell the ſame vnto your Maieſties ſaid ſubiect, for the ſumme of fiftie pounds of lawfull Engliſh money, or thereabouts to him paid by your ſaid ſubiect: By force of which bargaine your ſaid ſubiect was of the ſaid ſheepe lawfully poſſeſſed, as of his owne proper goods, and he being thereof ſo poſſeſſed, it was then agreed betweene your ſaide ſubiect, and the ſaid H.S. and one G.C. of A. in the countie of Y. huſbandman, that the ſaid H.S. ſhould deliuer the ſame ſheepe to the ſaid G.C. to be ſafely kept by him to the vſe of your ſaide ſubiect, to be brought and deliuered to your ſaid ſubiect, at your ſaid ſubiect his dwelling houſe in H. aforeſaid in the ſaid county of Lincolne. And thereupon the ſaid G.C. in conſideration thereof, and in conſideration of forty ſhillings to him by the ſaide ſubiect to be paide at the delinery of the ſaid ſheepe, in forme aforeſaid, did then aſſume vpon himſelfe, and to your ſaid ſubiect did faithfully promiſe, that if the ſaid ſheepe were deliuered vnto him, according to the ſaid agreement, that then he the ſaid G.C. would well and ſafely keepe the ſame, and bring & deliuer them or cauſe the ſame to be brought and deliuered vnto your ſaide ſubiect, at his ſaid houſe in H. aforeſaid, within certaine time after that he ſhould ſo receiue the ſame: which time is long ſithence paſt. And your highnes ſaid ſubiect further ſaith, that about the firſt day of May next enſuing the ſaid agreement, and promiſe, all the ſaid ſheepe were deliuered vnto the ſaid G.C. at A. aforeſaid, according to the ſaid agreement. But ſo it is, if it may pleaſe your excellent Maieſtie, that the ſaid G.C. in his life time, imagining, & fraudulently intending, your ſaid ſubiect in this behalfe craftily & ſubtilly to defraud and deceiue, did not onely, not deliuer vnto your ſaid ſubiect the ſaid ſheepe, nor any of them, according to his ſaide faithfull promiſe, and aſſumption: but contrariwiſe did take and conuert a great part of them to his owne proper vſe, ſelling ſome of them to diuers perſons to your ſaid ſubiect vnknowen for diuers ſummes of money conuerting the ſame to his owne vſe, and killing ſundrie other of them in his houſe. And ſhortly after made his laſt Will and Teſtament in writing, and thereof conſtituted one R.C. his brother his Executor, and died poſſeſſed of the ſaid reſidue of the ſheepe. After whoſe death the ſaid R.C. proued the foreſaid Teſtament, and alſo tooke vpon him the burthen and charge of the execution thereof, and by pretence of the ſaid reſidue of the ſaid fiue ſcore & one Ewes, and fiue ſcore & one lambes being about foureſcore Ewes, and threeſcore Lambes, worth thirtie pound and aboue, came to the hands and poſſeſſion of the ſaid R.C. who imagining, and fraudulently intending your ſaide ſubiect in this be-

halfe, and subtilty of the said sheepe to defraud and deceiue, hath in like manner sold the most part of the said Ewes, and Lambes, so comen to his hands and possession, to diuers persons to your said subiect vnknowen, for diuers summes of money betweene them agreed vpon, and the money thereof arising hath conuerted to his onely vse and behoofe: and albeit your said subiect hath diuers times comen vnto him the said R.C since the death of the said G.C. gently requiring him either to deliuer vnto him your said subiect such & so many of the said sheep, so as is aforesaid, comen into his hands and possession, or the very value thereof, which very value of such other sheepe as the said G.C. had in his life time, so as is aforesaid conuerted to his owne vse, yet the said R.C. notwithstanding that after the death of the said G.C. the goods, and chattels, which were the said G.C. at the time of his death, sufficient both to discharge, pay, and performe, all the debts, and legacies of the said G.C. and to satisfie your Maiesties said subiect, of and for such, and so many of the said sheepe as came to the hands of the said G.C. and neuer came to the hands, custodie or possession of him the said R.C. hath euer hitherto denied and refused, and yet doth deny and refuse to yeeld vnto your said subiect any satisfaction, or any recompence at all, either for the said sheepe, so as is aforesaid, conuerted to the onely vse of the said G.C. in his life time, so as is said, either conuerted to the vse of the aforesaid R.C. after the death of the said G. or by him the said R. still vniustly detained and holden from your said subiect, which vniust dealing of him the said R.C. is to the greeuous losse and damages of your said subiect, and altogether against all right, equity, and good conscience. In tender consideration whereof, and for so much as the said promise of the said G.C. so as is aforesaid made for the deliuery of the said sheepe as is aforesaid, was so made in the presence and hearing of the said R.C. and of certaine other witnesses, which be now all dead, but the said R.C. in so much as for want of such proofe as is requisite in that behalfe, he your said subiect is without all remedie either to recouer the said sheepe, or any recompence for the same, either by the strict course of the common lawes of this Realme, or in this honorable court, otherwise then by the parties owne confession vpon his oath in this honorable court, which your said subiect verely doth imagine and thinke, that he will confesse to be in such sort, as is here aforesaid. It may therefore please, &c.

The answere of R.C. to the Bill next before.

Sect. 88. THe said defendant by protestation not acknowledging or confessing the matters in the said bill of complaint, contained to be true, in such manner and forme, as in the same they be set forth and alleaged, A

saith,

ſaith, that the ſaid bill of complaint is verie vntrue, incertaine, and inſufficient in the law to be anſwered vnto, and the matters therein ſurmiſed are enuiouſly deuiſed, and vnconcionably contriued, imagined and ſet forth, onely of purpoſe to vexe and moleſt this defendant vniuſtly, and to put him to great trauell, expences and charges of ſuit and that without any iuſt cauſe, or good matter, as this defendant hopeth he ſhall proue vnto this honorable court, neuertheleſſe, the aduantage of exception to the inſufficiency, and vncertaintie of the ſaid bill of complaint, and all other aduantages to this defendant, at all times hereafter ſaued, the ſaid defendant for anſwere vnto the ſaid bill of complaint ſaith, that he doth not certainly know, neither is he as he thinketh, compelable to take notice, whether one H. S. in the bill named, being about the moneth of Aprill, in the yeare of our Lord God 1590. lawfully poſſeſſed of fiue ſcore and one Ewes, and fiue ſcore and one Lambes, as of his owne proper goods, did ſell the ſame vnto the ſaid complainant for the ſumme of fiftie pounds, as in the ſaid bill is ſuppoſed, or whether the ſaid complainant being lawfully poſſeſſed of the ſaid ſheepe, as of his owne proper goods by force of ſuch bargaine, there were anie ſuch agreement betweene the ſaid complainant, and the ſaid S. and one G.C. of A. in the Countie of Y. for the deliuerie of the ſaid ſheepe to the ſaid G. to be ſafely kept to the complainants vſe, and to be deliuered to the complainant at his dwelling houſe in H. in the Countie of L. as in the ſaid bill is ſuggeſted, this defendant as he thinketh is not bound now to take notice, being then a ſtranger thereunto, or whether the ſaid G.C. vpon the former part of the inſufficient conſideration grounded vpon the premiſſes, or for, in, or vpon the latter, being a lame blanke and imperfect, or rather no conſideration, there naming nihil omnino to be by the ſaid complainant paied vnto the ſaid G. C. did aſſume and faithfully promiſe vnto the complainant ſafely to keepe and deliuer the ſaid ſheepe, as in in the ſaid bill is alleaged, but this defendant ſaith, that if the aſſumption be grounded vpon any good conſideration, then the complainant might haue his remedie at the common law, if he had any iuſt cauſe. And therefore this defendant, as he thinketh, might verie well demurre in lawe vpon the ſaid bill, and demaund iudgement, if he ſhall be by this honorable court compellable to anſwere the complainant any further. Neuertheleſſe, for as much as this defendant hopeth that the ſaid complainant ſhall neuer be able to proue his ſubtill ſuppoſed ſuggeſtions in the ſaid bill ſet forth, and alleaged, For further anſwere vnto the ſaid bill, ſaith, that true it is, that the ſaid G.C. in the ſaid bill mentioned, made his laſt Will and Teſtament in writing, and thereof conſtituted this defendant his executor, and died, without that, that the ſaid G.C. in his life time, imagining, and fraudulently

dulently intending the said complainant in that behalfe craftily and subtilly to defraud and deceiue, did not onely, not deliuer vnto the said complainant the said sheepe, nor any of them according to his said faithful promise and assumption, but contrariwise did take & conuert a great part of them to his owne proper vse, selling some of them to diuers persons to the said complainant vnknowen, for diuers summes of money, conuerting the same to his vse, and killing sundrie others of them in his house, and died possessed of the residue of the said sheepe, as in the said Bill is vntruely and vncharitably alleaged against the said G.C. being now dead. For this defendant verely doth thinke, and imagine in his conscience, if such sheepe were deliuered to the saide G.C. to be kept and deliuered as is aforesaid, that then the said G. did in his life time well and truely deliuer the aforesaide sheepe accordingly: without that that after the death and departure of the foresaid G.C. the possession of the said residue of the saide sixe score and one Ewes, and sixe score and one Lambes, being about the full number of foure score Ewes, and three score Lambes worth thirtie pound and aboue, came to the handes and possession of the saide R.C. now defendant, who imagining, and fraudulently intending the said complainant in that behalfe craftily and subtilly of the said sheepe to defraud, and deceiue, hath in like manner solde most part of the said Ewes and Lambs so come to his hands and possession, to sundrie persons to the said complainant vnknowen, for diuers summes of money betweene them therefore agreed vpon, and the money thereof arising, hath conuerted to his onely vse and behoofe, as in the said bill of complaint is very falsly surmised, set forth, and alleaged. And without that, that any other matter or thing in the said bill materiall, to be answered vnto, and in this answere not sufficiently answered, confessed, and auoided, trauersed, or denied, is true. All which matters, &c. and praieth, &c.

The Replication of W. P. Complainant to the aunswere of R.C. Defendant.

Sec'89. The said complainant for replication saith in all and euery thing and things, as he in the said bill of complaint hath said, and doth and will auerre, iustifie, maintaine, and proue his said bill of complaint, in all and euery matter, thing and things therein contained to be good, iust and true, certaine, and sufficient in the law to be answered vnto by the said defendant in such manner and forme as they be in the same most truely set forth and declared, and not enuiously deuised, nor vnconscionably contriued, imagined, and set forth, onely of purpose to vexe and molest this defendant vniustly, And to put him to great trauell, expences and charges of suit, and that without any iust cause, or good matter A

as in the ſaid anſwere, it is by the ſaid defendant vntruely ſurmiſed. And this complainant further ſaith, that the ſaid anſwere of the ſaid defendant is verie incertaine, vntrue and inſufficient in the law to be replied vnto by this complainant, for diuers apparant faults and imperfections therein contained. And namely in this, that the ſaid complainant, being in, and by the ſaid bil of complaint, charged to haue had in his hands and poſſeſſion, diuers of the ſaid ſheepe, in the ſaid bill mentioned, doth in in his ſaid anſwere neither confeſſe nor denie the hauing thereof, as by the ſaid anſwere it appeareth, ſo that in reaſon he ought to be compelled by the order of this honorable Court, to make a better and more certaine and perfect anſwere vnto the ſaid bill of complaint, Neuertheleſſe this defendant ſauing vnto himſelfe, at all times hereafter, all aduantage of exceptions to the manifeſt incertainty and inſufficiency of the ſaid anſwere for further replication therunto, Alſo further ſaith, that the ſaid conſideration in the ſaid bill of complaint contained, is very ſufficient to maintaine the ſaid ſuit in this honorable Court, Albeit that no other thing had been departed with, on the part of this complainant, but onely the credite and deliuery of the ſaid ſheepe, vnto the handes of the ſaid G. C. and yet this complainant hopeth to proue, that there was giuen vnto the ſaide G. C. for and on the behalfe of the ſaide complainant, very good matter of conſideration for keeping and conueying of the ſaid ſheepe, as in the ſaid bill is alleaged. And further this repliant doth, & will alſo auerre and proue, that diuers of the ſaide ſheepe ſince the death of the ſaid G. C. haue come to the hands and poſſeſſion of the ſaid complainant, which haue bin vnlawfully conuerted to his owne vſe, againſt all right, equity, and good conſcience, without that, that any other matter, thing or things, clauſe, ſentence, article, or allegation in the ſaid anſwere contained materiall or effectuall in the law, to be replied vnto by this complainant, and not herein before in this his replication ſufficiently replied vnto, confeſſed and auoided, denied or trauerſed is true. All which matters this complainant is ready to auerre and proue as this honorable Court ſhall award. And praieth as he in his ſaid bill hath praied.

A Bill for a debt vpon a contract without witneſſes.

A IN moſt humble wiſe complaining ſheweth vnto your honor, your poore and daily Orator T. B. of C. in the countie of Darby Mercer, That were about two yeares now paſt, one T. G. of B. in the Countie of Y. gentleman, bought of your ſaid Orator, xii. yeardes of linnen cloth, price, xxii. s. and diuers other wares and marchandices, amounting in the whole to the value of xx. markes or thereabout, for paiment whereof the ſaid T. G. earneſtly required your ſaid Orator to forbeare him the ſaid T. G. for the ſpace of a moneth or thereabouts, then Sect. 90.

next

next following, And for that the said T.G. did then faithfully assume and promise to pay the said debt, vnto your said Orator at the said monethes ende, your said Orator trusting to his bare promise, deliuered vnto the said T. G. the said cloth, wares and marchandises, without taking any specialty or other security for paiment of the aforesaid money, Now so it is, if it may please your honorable L. that the said G.T. perceiuing that your said Orator can by no order of the common lawes of this Realme recouer the said money for want of specialtie or witnesses to proue the said assumption and contract, being very lately by your said Orator, requested to pay the said money according to his said promise, yet neuertheles the said T.G. hath plainely affirmed and answered, that your said Orator shall not haue anie peny thereof, which if it should so passe without relefe to your Orator herein, would turne to the great impouerishment and damage of your said Orator, who hath ouer many such debtors. In consideration whereof the premisses tenderly considered, and forasmuch as your said Orator is without all remedie for the recouerie of the same by the strict order of the common lawes of this Realme, for want of specialtie or witnesse, as aforesaid. May it therefore please &c.

The Answere, and demurrer of the same.

Sect. 91.

THe said defendant saith, that the said bill of complaint is very vncertaine, vntrue and insufficient in the law to be answered vnto by this defendant, for diuers apparant matters and causes therein contained, deuised and exhibited into this honorable Court, as this def. verely thinketh by the sinister aduise and perswasion of N. C. Atturney at the common law, of malice and euill will, to thintent to put this defendant to vniust trouble and veration, That he the said N. C. may thereby gaine, by solliciting of this said matter in this honorable court, and not vpon anie iust cause so to doe. And further saith the said def. That if the said matters mentioned in the said bill of complaint were true, as they be not indeed, yet were the same determinable and to be determined, at, and by the common lawes of this Realme, and not by this honorable Court, whereunto this defendant praieth to be dismissed with his reasonable costes and charges wrongfully sustained hereabouts. Neuertheless if he this defendant be compelled by this honorable court to make any further answere vnto the said incertainty, vntrue and insufficient bill of complaint, Then (and not otherwaies) thaduantage of exception, to the manifest incertainty and insufficiency of the said bill of complaint to this defendant alwaies saued. For further aunswere thereunto, and for a full and plaine declaration of the truth touching the materiall contents of the said bill

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of complaint (if any ſuch be) he this defendant ſaith. That true it is indeed, that about three yeares now laſt paſt, This ſaid defendant or ſome of his ſeruants to his vſe, did receiue of this complainant xii. yards of linnen cloth, halfe an ell of cloth, one quarter and a halfe of cloth, and two ſcaines of threed which he thinketh to be parcell of the ſaid wares in the ſaid bill mentioned, and ſuppoſed to be bought by this defendant of the ſaid complainant, which ſaid wares were ſo receiued by this defendant or to his vſe, as is aforeſaid, to thintent that this defendant ſhould pay to the ſaid complainant, ſo much money for the ſame as ſhould be reaſonably agreed vpon by this defendant, and the ſaide complainant, which ſaid bargaine and agreement, this defendant is, and euer hitherto hath beene readie to haue perfourmed, without that, that the ſaid defendant about two yeares now laſt paſt, did buy of the ſaid complainant, the ſaid twelue yardes of linnen cloth, at, and for the ſaid price of xrii.s. or the ſaid halfe elle of other cloth for the ſaid price of ii.s. viii.d. or the ſaid quarter and a halfe of other cloth, and two ſcaines of threed for the ſaid price of xviii.d. for he this defendant ſaith, that he and this complainant did neuer to his remembrance agree to anie certaine price for the ſaid wares, as in the ſaid bill of complaint is vntruly alleaged. And without that, that he this defendant did euer buy of this complainant, the ſaid ten yards of veluet, or any part therof, or any other wares or marchandices amounting in the whole to twentie markes, or for the paiment thereof, euer required the ſaid complainant to forbeare him the ſaid defendant, for the ſpace of one moneth then nert following, as in the ſaide bill is wrongfully alleaged. And without that, that he this defendant did faithfully aſſent and promiſe to pay the ſaid debt vnto the ſaid complainant at the ſaid monethes ende, Or that the ſaid complainant, truſting the bare promiſe of this defendant, deliuered vnto him this defendant, the ſaid cloth, wares, veluet, and marchandiſe, as in the ſaid bill is vntruly alleaged. And without that, that he this defendant perceiuing that this complainant can by no order of the common lawes of this Realme, recouer any part of the ſaid money, for want of ſpecialtie or witneſſe to prone the ſaid ſuppoſed aſſumption and contract, hath plainely affirmed, that he the ſaid complainant ſhall not haue one penny thereof in ſuch manner and forme, as in the ſaie bill of complaint is moſt vntruely and ſlaunderouſly alleaged, without that, that any other matter &c. thing, things, clauſe, ſentence, article, or allegation, in the ſaid bill of complaint contayned, materiall or effectuall in the law to be anſwered vnto by this defendant and not &c.

A Bill to be discharged of sundrie bondes made by the Plaintife to diuers by the Defendants meanes vpon promise that they should not preiudice them, laying open diuers cunning and lewde practises to circumuent the Plaintife.

Sect. 92.

HUmbly complaining sheweth vnto your honorable L. your daily A
Orator I. M. of M. in the Countie of Y. yeoman, that whereas about sirteene yeares now last past, certaine debts, controuersies, suits, and variances did arise betweene one T. L. of E. in the Countie of Y. yeoman, and your said Orator, and certaine other freeholders of the Lordship of Eccleshall aforesaid, concerning the inclosing, vse, possession, and occupation of certaine parcels of wast or common ground called R. in E. aforesaid, wherein your saide Orator and other freeholders, and all those whose estate they then had, and yet haue in certaine lands in the said Lo. by all the time, whereof there is no memory of man to the contrary, haue vsed to haue common of pasture for their beasts and cattel, vpon the said lands leuant and couchant at all times of the yeare, at their wils and pleasures, as vnto their tenemeuts belonging, which parcels of waste ground one N. S. Esquier before that time, had demised vnto the said T. L. for certaine yeares then indurng, for pacifying and ending of which said suites and controuersies, and of such suits and controuersies, as were then betweene the said L. and S. touching the same and other things, your said Orator and T. D. and other of the freeholders aforesaid, and the said L. by the meanes and intreatie of the said N. S. about the said time did submit themselues to the order, arbitrement, and award of I. F. R. M. C. W. and E. H. touching the said controuersies, & to the end that the said L. would be contented that the said suites betweene him & the said S. might rather by that means receiue a quiet ende, then by extremitie of law, there being then great suits betweene the said N. S. and L. which the said L. would not otherwise compromit, your said orator & the said D. was bound vnto the said L. in one obligation of C. l. & vnto the said N. S. in one other obligation of C. l. for performance of the said award, the said N. S. then promising to your said Orator, that within short time after the making of the said bond vnto him, he would haue cancelled or made voide the saide bond of C. pound, made by them vnto the said N. S. the meaning of which bonde your saide Orator (being a simple vnlearned man) thought to haue reached no further, but to actes to haue bin done by himselfe against the said awarde, which he the rather so thought, because the said N. S. tolde him so, or to the effect, and they were onely so agreed to haue the condition thereof made before the making thereof. And the said L. was also bound in an C. l. vnto your said Orator, and the said D

for

for the perfoꝛmance of this part of the ſaid awarde, And afterwardes, viz. about the xi. yeare of the raigne of the Queenes Maieſtie, that now is, the ſaid arbitratoꝛs made an awarde of the pꝛemiſſes, that the ſaid L. ſhould haue incloſed the ſaid grounds, during ſuch terme as he then had therein by the demiſe of the ſaid N. S. by Indenture without veration of your ſaid Oꝛatoꝛ the ſaid T. D. and other freeholders of the ſaid Lo. of E. by meanes of which awarde the ſaid L. enioyed the pꝛemiſſes euer ſince the making thereof accoꝛdingly, without any veration of the ſaid D. oꝛ your ſaid Oꝛatoꝛ, oꝛ any other the freeholders of E. afoꝛeſaid, vntill ſuch time as the ſaid L. cauſed the ſaid pꝛemiſſes to be purchaſed oꝛ taken by leaſe, as lands concealed, and vniuſtly withholden from her Maieſtie, and thereupon cauſed ſuites to be commenced againſt diuers of the ſaid freeholders by infoꝛmation in the Ex. of intruſion ſuppoſed to be done by them into the ſaid pꝛemiſſes, which ſuite ſo long continued, that a verdict and iudgement therein were had foꝛ the ſaid freeholders, whereby their title to the ſaid common being then in iſſue, was ſpecially found as by the recoꝛdes thereof remayning in the ſaid court it plainly appeareth, wherupō ſome of the ſaid freeholders (as this complainant thinketh) entred into the ſaid pꝛemiſſes being vnfenced. And thereupon the ſaid L. commenced ſuite vpon the ſaid bond of an C. K. againſt your ſaid Oꝛatoꝛ and the ſaid D. albeit they neuer interrupted his poſſeſſion in the ſaid pꝛemiſſes, and the ſaid D. and your ſaid oꝛatoꝛ foꝛ their indempnity likewiſe pꝛoſecuted ſuit vpō their bond of an C. K. becauſe the ſaid L. in his part had not perfoꝛmed the ſaid award, by meanes whereof your ſaid Oꝛatoꝛ, and the ſaid D. obtained a verdict and iudgement againſt the ſaid L. foꝛ the ſaid C. K. L. his ſaid ſuit againſt them depending vntried, whereupon the ſaid L. ſeeing how vniuſtly he had dealt with the ſaid D. and your ſaid Oꝛatoꝛ about the pꝛemiſſes perceiuing in what ieopardie he ſtood, and how in equity he ought not to haue recouered any thing againſt your ſaid Oꝛatoꝛ and the ſaid D. by his ſaid bond, noꝛ haue had any reliefe foꝛ the ſaid C. K. ſo by them recouered againſt him, he the ſaid L. moued your ſaid Oꝛatoꝛ and the ſaid D. by ſundꝛie meanes to come to agreement with him foꝛ the ſaid C. K. ſo recouered againſt him, whereupon the ſaid D. and your ſaid Oꝛatoꝛ, intending a generall quietneſſe foꝛ all bonds and matters concerning the ſaid pꝛemiſſes, at the great and impoꝛtunate ſuit of the ſaid L. and by the meditation of certaine honeſt men their friends, vpon the faithfull pꝛomiſe of the ſaid L. that he the ſaid L. woulde warrant him your ſaide Oꝛatoꝛ againſt the ſaid N. S. foꝛ his ſaid bond of an C. K. alleaging that N. S. had no cauſe to ſue the ſame, and that if he had, yet becauſe the matter of the ſaid bond pꝛincipally concerned him the ſaid L. (as it did indeed) that if your ſaid Oꝛatoꝛ agreed with

him

him for the premisses, that then the said N.S. neither could nor would hurt him by reason of his said bond, the said iudgement for the said C.R. was released vnto the said L. by your said Orator hauing none other consideration therefore, then his said promise of quietnes and discharge of the said N.S. his said bond. Neuertheless not long after the saide agreement, the said L. perceiuing himselfe to be discharged of the said iudgement, and entending the vtter vndoing of your said Orator, contrary to his said promise, practised with the said N.S. touhing the said bond by him and the said D. made vnto the said S. and procured the same to be put in suite against them in the Queenes Maiesties Bench. Albeit the said N.S. had neuer any losse by reason of any act done against the said bond to the valew of one penny, since which suit the said N.S. and D. haue secretly growen to agreement betwene themselues, to thintent to lay the whole penalty of the said bond vpon your said Orator, Notwithstanding the said faithfull promise of the said N.S. to deliuer in the said bond to be cancelled, and the said L. his promise was to saue your said Orator harmeless against the said N.S. for the same. Albeit the said N.S. neuer had any losse or hinderance by reason of the premisses, by means of your said Orator, neither was any thing attempted or done by the said freeholders against the saide L. contrary to the said award, Otherwise then by the consent of the said N.S. who moued or procured the said freeholders to enter into bond one to another, to beare the charges of suites for the defence of their said title of common in the said seuerall parcels of ground, called R. and T. promising them his aide and furtherance therein, vnto some of which bonds the said N.S. hath subscribed his owne name as a witnesse of the deliuery thereof, which their hard dealings against your said Orator in the premisses, are much against all right, equity, and conscience, and to the vtter impouerishment and vndoing of your said Orator, his poore wife and children, wherefore the premisses graciously considered, and for as much aswell the said premisses and agreements of the said N.S. with your said Orator, and the said D. and the said practise had betweene the said N.S. and the said L. to put the said bonde in suite, as also the saide agreement made by the said N.S. and the said D. for staying of his saide suite against the said D. and also the said promise or agreement of the said L. to saue your said Orator harmeless against the said N.S. for the saide bonde was secretly made amongst themselues, & for that your said Orator trusted that they would faithfully haue performed the same to your said Orator, called no witnes to be present to beare the same promise made, and therefore is not able to produce any witnes to testifie the premisses, nor hath any meanes to proue the same, other then by the aunsweres of the said N.S. and T.L. who he verely thinketh will in their

answeres

anſweres to the premiſſes confeſſe the ſame: May it therefore pleaſe your Lordſhip, of your accuſtomed goodneſſe, to grant vnto your ſaid Orator the Queenes Maieſties moſt gratious writ of Subpena, to be directed to the ſaid N.S. and T.L. and to either of them, thereby commaunding them, &c.

A Bill for practiſing with the plaintifes wife, to receiue of her the plaintifes goods, and for receipt and detaining thereof.

A HUmbly complaining ſheweth vnto your good Lordſhip, your daily Orator L.I. of S, in the Countie of N. Gentleman, That whereas about foure or fiue yeares paſt, your Orator being poſſeſſed of diuers goods, and diuers ſummes of money, to a great valew, to the ende that C.C. of W. in the ſaid Countie of N.M. his wife, and A their daughter, now the wife of I.P. of H. in the ſaide Countie yeoman, might the better bring to paſſe, indirectly to gaine and get into their, or ſome of their cuſtodies and poſſeſſion, all, or the moſt pact of the ſaid money and goods, and by that meanes defraude or defeat your Orator thereof, by continuall and ſiniſter practiſe, inſtigation, and perſwaſion, then allured, prouoked, and intiſed A.I. deceaſed, being then your Orators wife, to grow to ſome diſcord and variance with him, and to eſloine and conuey into their, or ſome of their keeping, all or the moſt part of the ſaid money or goods, promiſing that the ſame ſhould be readie, and vſed for her vſe and behoofe: Now ſo it is, if it may pleaſe your good Lordſhip, that by the ſaid lewde and bad practiſes of the ſaid C.M. and A.P. and of diuers other perſons by their meanes, whoſe names your Orator knoweth not, your Orators ſaid wife about foure or fiue yeares ſince, and at ſundrie times before, did with violence breake open ſome part of your Orators houſe at S. aforeſaid, his chiſts therebeing locked and did eſloine, ſteale, imbeaſill, or conuey away from your Orator, ſeuerall ſummes of money, and diuers parcels of his goods and houſehold ſtuffe, aſwell in the night ſeaſon as in the day time, to a very great value, the certainty whereof your Orator knoweth not, but is induced by good reaſon to beleeue, that it doth amount vnto the ſum of one hundred pound at the leaſt, and deliuered, or cauſed the ſame to be deliuered vnto the cuſtodie and poſſeſſion of the ſaid C.C. and M. his wife, or A. their daughter, or of ſome other perſon or perſons, by their or ſome of their meanes or conſents, whereof your Orator by ſome good meanes hauing had intelligence, hath ſundry times vſed ſpeech and communication with the ſaid C.M. and A.P. touching the ſame, and in moſt gentle and friendly manner required to haue the ſaide money and goods ſo eſloined and imbeaſiled, as aforeſaid, to be to him reſtored, or elſe to haue ſome recompence for the ſame, but they haue vtterly re- Sect. 93.

fuſed to doe eyther the one or the other, and doe ſtill refuſe to doe the ſame, and do conuert and diſpoſe the ſaid money and goods to their own vſes, whereby your Orator ſhal be vtterly thereof defeated, to his great hinderance and impouerifhment, contrarie to all equitie, & good conſcience, vnleſſe by your Lordſhips fauor he may be relieued in this moſt honorable Court. Forasmuch therefore as your Orator knoweth not the names or nnmber of the ſaid confederates, nor the ſeuerall & certaine times wherein the ſaid money and goods were conueyed away from him as aforeſaid, nor the quantitie, nature, or valew of them, whereby to make any lawfull demaund, or to vſe any action by the ſtrict courſe of the common lawes of this Realme, againſt them the ſaid C. H. and A. P. or any other their confederates, for theſe great iniuries & wrongs, as aforeſaid, but that the trueth and certainty of all theſe matters doe reſt in the priuate and proper notice of the ſaid C. C. and H. his wife, and A. their daughter, or of ſome one of them, who no doubt, vppon their corporall Oathes will diſcloſe and ſet downe the trueth and certaintie of all theſe matters: May it therefore pleaſe your honorable Lordſhip, to grant vnto your Orator, the Queenes Maieſties gratious writ of Subpena, to be directed, &c.

The Anſwere to the ſame.

Sec' 94. THe ſaid defendants ſay, that the ſaid bill of complaint againſt them exhibited into this honorable Court is very incertaine, vntrue, and inſufficient in the law, to be anſwered vnto by the ſaid defendants, or any of them, for diuers and ſundrie apparant faultes and imperfections therein contained and deuiſed, and exhibited into this honorable Court, partly of malice and euill will, without iuſt cauſe conceiued againſt the ſaid C. C. one of theſe defendants, to the intent thereby to vexe and moleſt him, and his ſaid wife and daughter, with vniuſt trauell and expences, but chiefly to the intent and purpoſe to wearie, impouerifh, and terrifie him this defendant with ſuch ſuites, ſo that he ſhal neither be able nor willing to proſecute the law againſt him the ſaid complainant, for diuers great ſummes of money which he oweth vnto him the ſaid C. C. this defendant, and vniuſtly detaineth from him, and not for anie good or iuſt cauſe of ſuite: Neuertheleſſe, if by the order of this honorable Court, theſe defendants ſhall be inforced to make any further or other anſwere, to the ſaid incertaine, vntrue, and inſufficient Bill of complaint, then, and not otherwiſe, all aduantage of exception, to the manifeſt incertaintie and inſufficiencie of the ſaid Bill of complaint, to theſe defendants, and euerie of them, at all and euery time and times hereafter ſaued. For further anſwere thereunto and for a full and plaine declaration of the truth of the premiſſes, Theſe defendants

dants ſay, and euery one of them ſaith, that neither they, nor any of them by continuall & ſiniſter practiſe, inſtigation, and perſwaſion, did not at any time allure, prouoke, & intice A. I. deceaſed, then wife of the ſaid cõplainant, to grow to ſome diſcord with the ſaid complainant, & to eſſoine and conuey into their, or any of their keeping, all or any of the ſaid money and goods, in the ſaid bill of complaint mentioned, promiſing that the ſame ſhould be readie and vſed for her vſe & behooſe, to the ende that they theſe def. or any of thẽ, might the better bring to paſſe indirectly to gaine or get into their cuſtody & poſſeſſion, all, or the moſt part of the ſaid money & goods, and by that meanes, to defeat and defraud the ſaid complainants thereof, as in the ſaid bill of complaint is very ſlaunderouſly, & moſt vntruly alleaged: And theſe defendants further ſay, & euery of them ſaith, that the ſaid late wife of the ſaid complainant did neuer with violence breake open ſome part of the ſaid complainants ſaid houſe at S. in the ſaid bill mentioned, nor his ſaid chiſts there being locked, nor did eſſoine, imbeaſill, or conuey away from the ſaid complainant, ſeuerall, or any ſumme or ſummes of money, & diuers, or any parcell of his goods, or houſehold ſtuffe, either in the night ſeaſon, or in the day time, by the practiſe of theſe def. or of any of thẽ, or of any other perſon or perſons, by their or any of their means, as in the ſaid bil of complaint is likewiſe very malitiouſly and vntruly ſurmiſed, without that, that the ſaid wife of the ſaid complainant euer deliuered, or cauſe to be deliuered the ſaid money and goods in the ſaid bill of complaint mentioned, or anie part thereof, vnto the cuſtodie, and poſſeſſion of theſe defendants, or of ſome of them, or of any other perſon or perſons, by their, or ſome of their meanes or conſents, as in the ſaid bill of complaint is alſo vntruely alleaged: And without that, that euer there was anie cauſe why the ſaid complainant did, or ſhould vſe any ſuch ſpeach and communication with theſe defendants, or anie of them touching the premiſſes, or require to haue the ſaid money and goods ſuppoſed to be eſſoined or imbezeled, to be to him reſtored, or to haue ſome recompence for the ſame, or that theſe defendants, or anie of them doe conuert and diſpoſe the ſaid money and goods or any part thereof, to their or any of their owne vſes, whereby the ſaid complainant ſhall be vtterly thereof defeated, to his great hinderance and impoueriſhment, contrarie to all right, equitie, and good conſcience, as in the ſaid bill of complaint is likewiſe vntruely ſuggeſted: And without that, that any other matter, thing, or things, clauſe, ſentence, article, or allegation, in the ſaid bill of complaint contained, materiall or effectuall in the lawe to be anſwered vnto, by theſe defendants, or anie of them, and not here in this their anſwers ſufficiently anſwered vnto, confeſſed and auoided, denied or trauerſed, is true. All which matters, &c.

The Replication to the Answere next before.

Sect. 95.

THe said complainant, for, and by way of replication saith, that his A
said bill of complaint, exhibited against these defendants into this most honorable Court, is very certaine, true, and sufficient in the law to be answered vnto, and not deuised and exhibited into his most honorable Court of malice and euill will, without cause conceiued against the said C. C. one of the said defendants, to thintent thereby to vexe and molest him his said wife and daughter with vniust trauell and expences, as in the said answeres is vntruly alleaged, Nor chiefly to thintent and purpose so to wearie and impouerish and terrifie the saide C. C. with such suites, that he should neither be able nor willing to prosecute the law against the said complainant, for diuers great summes of money, which he doth owe vnto him the said C. C. and vniustly detained from him, but is exhibited vpon iust cause of suit, as the said complainant doubteth not to make manifest and proue vnto this honorable court, with that, that the said def. or some one of them, by sinister, practise, instigation, and perswasion, did allure, prouoke, & intice the said complainants wife to grow to some discord with the said complainant, & to essoine and conuey into their, or some, or one of their keepings the said money & goods, in the said bill of complaint mentioned, promising that the same should be readie, & vsed for her vse and behooke, to the end that they might the better bring to passe, indirectly to gaine or get into their, or some, or one of their custody & possession the said money & goods, & by that means to defeat & defraud the said complainants thereof, as in the said bill of cõplaint is very truly alleaged. And also with that, that the said complainãts wife, did with violẽce breake open some part of the said cõplainants house at S. in the said bill mentioned, & his said chist there being locked did essoine, steale, imbesill, & conuey away from the said cõplainant, seuerall sums of money, & diuers parcels of his goods & houshold stuffe in the night season, & in the day time, by the practise of the said def. or some, or one of them, or of some other person or persons, by their, or some, or one of their means, as in the said bil of complaint is likewise very truly declared: And with that, that the said complainants wife did deliuer, or cause to be deliuered the said money & goods, in the said bill of cõplaint mentioned, vnto the custody and possession of the said def. or of some, or one of them, or of some other person or persons, by their, or some, or one of their meanes or consent, as likewise in the said bil of complaint is most truly alleaged: And without that, that there was cause why the said cõplainant should vse speech & communication with the said defendants, or some, or one of them touching the premisses, & require to haue the said mony & goods essoined & imbesiled to be to him restored, or to haue some recompence

recompence for the ſame: And that the ſaid defendants, or ſome, or one of them do conuert and diſpoſe the ſaid money and goods, to their, or ſome, or one of their vſes, whereby the ſaid complainant ſhall be vtterly defeated thereof, to his great hinderance, as in the ſaide Bill of complaint is likewiſe moſt truly alleaged: without that, that any other matter, cauſe, or thing, materiall or effectuall in the ſaid anſweres contained, to be by the ſaid complainant replied vnto, and herein not ſufficiently replied vnto, confeſſed and auoided, &c.

A Bill for that the Defendant hath got the Plaintifes bill for payment of money by them into their hands, and thereby meane to defraude him of the ſame.

A HVmbly complaining ſheweth vnto your good Lordſhip, your daily Orator N. T. of T. in the Countie of D. yeoman. That whereas about two yeares now laſt paſt, your ſaid Orator did ſell vnto one I.Y.G.W.P.T. alias S. and R.H. foure oxen, and three kine, for 14. pound of lawfull Engliſh money, And at the ſame time made vnto your ſaid Orator a Bill of their hands for the payment thereof, at the feaſt of S. Michaell tharchangell laſt paſt: But now ſo it is, if it may pleaſe your L. that the ſaid bill of 14. pound is by caſuall meanes come vnto the hands and poſſeſſion of the ſaid I.Y.G.W.P.T. alias S. and R.H. or of ſome of them, who haue cancelled and defaced the ſame bill, And therefore, albeit they haue beene diuers times gently required by your ſaid Orator, to pay vnto him the ſaid 14. pound ſo to him due, yet that to doe, they and euery of them haue hitherto denied and refuſed, and yet doe denie and refuſe to doe the ſame, againſt all right, equitie, and good conſcience. In due conſideration whereof, and for that your ſaid Orator hath no remedie to recouer the ſaid 14. pound without the ſaid bill, by the common lawes of this Realme: May it therefore pleaſe your good Lordſhip, &c. Sect. 96.

A Bill for wrongfull entering into Copyhold lands intailed, detayning of them, and of the writings of the ſame, for waſting the ſame, and concontriuing ſecret eſtates thereof.

A IN moſt humble wiſe ſheweth vnto your good L. your daily Orator A.G. of D. in the Countie of D. That whereas one T.G. father vnto your ſaid Orator, was in his life time lawfully ſeiſed in his demeſne as of fee taile, to him and to his heires males of his body lawfully begotten, of, and in one meſuage or tenement with thappurtenances, ſcituate, lying, and being in W. in the ſaid Countie of D. And was likewiſe ſeiſed to him, and the heires males of his body lawfully begotten, of, and in foure cottages, three cloſes or paſtures, and eight acres of Sect. 97.

arrable land with their appurtenacces, lying and being in W. afore-
said, being customarie lands, and holden of the Q. Mateſtie, as of her
highneſſe manor of W. aforeſaid, at the will of the Lord, according to
the cuſtome of the ſaid manor: And the ſaid T.G. being of all and ſin-
guler the premiſſes, with their and euery of their appurtenances ſo ſei-
ſed, as aforeſaid, of ſuch eſtate, died thereof ſeiſed, By and after whoſe
death, all and ſinguler the premiſſes with their appurtenances, did diſ-
cend vnto H.G. as ſonne and next heire male of the bodie of the ſaide
T. by force and vertue whereof, the ſaid H. entred into all and ſinguler
the ſaid premiſſes with their appurtenances, and was thereof lawfully
ſeiſed to him, & the heires males of his body lawfully begotten. And he ſo
being therof ſeiſed, of ſuch an eſtate died ſeiſed: By & after whoſe death,
all and ſinguler the ſaid premiſſes with their appurtenances, did diſcend
and come to T.G. as ſonne & next heire male of the bodie of the ſaid H.
by force wherof, he the ſaid T. entred into al & ſinguler the ſaid premiſ-
ſes, & was thereof lawfully ſeiſed in his demeſne, as of fee taile, to him
and the heires males of his body lawfully begotten. And he the ſaid T.
ſo being therof ſeiſed, of ſuch an eſtate died ſeiſed, without any iſſue male
of his bodie, By & after whoſe death, all and ſinguler the ſaid premiſſes
with their appurtenances, did diſcend and come vnto your ſaid Orator,
as brother & next heire male of the ſaid T.G. But now, ſo it is, if it may
pleaſe your good L. that aſwel the ſaid deed of intail, & al other the deeds
euidences, eſcripts, writings, & muniments, manifeſting, forfeiting, de-
fending, & prouing the eſtate, right, intereſt, & title of your ſaid orator, of
in, & to the ſaid premiſſes, are by ſome caſuall or ſiniſter meanes comen
into the hands, cuſtody or poſſeſſion of one R.W. & E. his wife T.C. &
A. his wife I.D. & I.W. or ſome of them, who by colour thereof haue
entred into the ſaid premiſſes, & receiued, perceiued, & taken the iſſues,
profits, & commodities thereof, & conuerted the ſame to their owne pro-
per vſes & behoofes, without yeelding any conſideration or recompence
to your ſaid orator for the ſame. And yet not ſo cõtented, but they the ſaid
R.E.T.A.I. & I. by colour of hauing the ſaid deeds, euidẽces, eſcripts,
writings, & myniments haue not only made great ſtreppe, & waſt of the
premiſſes, but alſo contriued & made to themſelues, & to other perſons
vnknowen to your ſaid orator, diuers & ſundry ſecret eſtates & conuei-
ances of the premiſſes to the plaine diſinheriſon of your ſaid orator, con-
trary to all right, equity, & good conſcience. And although your ſaid O-
rator hath diuers & ſundry times by himſelfe & his friends, requeſted the
ſaid R.W. & E. his wife, T.C. & A. his wife, I.D. & I.W. and euery of
them to yeeld vp the quiet poſſeſſion of the premiſſes, & to deliuer vnto
your ſaid Orator the ſaid deeds, euidences, eſcripts, writings, & muni-
ments, yet they & euery of them, ſo to do, haue vtterly refuſed & denied,

and

and ſtill do denie and refuſe, contrary to all right, equity, & good conſcience. In tender conſideration whereof, and for aſmuch as your ſaid Orator knoweth not the contents nor certaine dates of the ſaid deeds, euidences, eſcripts, writings, and myniments, nor weather they be contained in bagge or boxe ſealed, in cheſt, or cubbord locked. And therefore is at, and by the ſtrict courſe of the common law of this Realme remedileſſe for the recouery of the ſame. May it therefore, &c.

A Bill for deteining of an Indenture of leaſe for yeares.

AHUmbly complaining ſheweth vnto your honorable L. your daily Orator I.B. of N. in the pariſh of A. in the Countie of Y. Eſquier. And T.B. ſonne and heire apparant of the ſaid I. That whereas your ſaid Orator the ſecond day of July, in the eight yeare of the raigne of our ſoueraigne Ladie the Queenes Maieſtie that now is, did demiſe and to ferme let vnto one R.M. of B. in the ſaid Countie yeoman, all his moitie, or one halfe of his meſſuage or tenement called D. with all the lands, meadows, cloſes, paſtures, & commons vnto the ſame belonging or in any wiſe appertayning, from the feaſt of Saint M. the Biſhop laſt paſt, before the date aboueſaid, vnto the full end and terme of 18. yeares then next enſuing, fully to be complete & ended. By vertue of which demiſe aforeſaid, R.M. into the meſſuage or tenemẽt aforeſaid, did enter as was lawful for him to do. And now ſithẽce the making of the leaſe aforeſaid, the ſaid R.M. did often repaire & come to the houſe of the ſaid I.B. & by that meanes in ſhort time became very familiar with the ſaid I. inſomuch that he the ſaid I. being aged, & by reaſon therof alſo lieth bedriden, & hath done for the ſpace of many yeares, And finding the ſaid M. to be very diligent and carefull about him the ſaid I. for the recouery of his health, did ſo affect the ſaid M. as ẏ he did wholly commit the cuſtody & keeping of all his euidences, leaſes, bonds, & bils, amongſt which the counterpaine of the ſaid M. his leaſe was. And vnleſſe the ſaid M. together with ſome of your ſaid Orators ſeruants haue ſecretly conuaied & taken it away, as your ſaid Orator doth vehemently ſuſpect, in that he wanteth the ſame leaſe: by reaſon whereof he neither knoweth what conditions are contained in the ſame, neither what penaltie, if the rent be behind, or whether there be any diſtreſſe for not paiment of the rent, or elſe whether the leaſe be vtterly void, if the rent be not paid at a day certaine & what other couenants it containeth for prohibiting of waſt to be done, as alſo for the repairing of the meſſuage or tenement aforeſaid with needfull reparations, with diuers other couenãts to many good purpoſes ſpecified in ẏ ſame leaſe. And for that alſo ẏ the ſaid cõterpain is by ſome ſuch indirect means as before is aleaged come vnto ẏ hands of the ſaid M. as alſo for that your orator through

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want thereof by the ſtrict courſe of the common lawes of this land cannot duely puniſh the breach of all, or any the couenants therein expreſſed, which on the ſaid M. his part ought to haue beene perfoꝛmed and kept, foꝛ want of the ſaid counterpaine. May it therefoꝛe pleaſe your good Loꝛdſhip, &c.

A Bill for money for bording with one, whoſe Executor the Plaintife is.

Sect. 99.

HUmbly complaining, ſheweth vnto your honoꝛable Loꝛdſhip your daily Oꝛatoꝛ D.C. of B. in the Countie of D. yeoman, executoꝛ of the laſt Will and Teſtament of D.C. his father. That whereas about the firſt day of June, which was in the 18. yeare of the raigne of our moſt gratious ſoueraigne Lady the Queenes moſt excellent Maieſtie that now is, one W.S. of M. in the ſaid Countie yeoman, at B. afoꝛeſaid, did put himſelfe and A. then his wife to boꝛde with the ſaide D.C. the Teſtatoꝛ, and there to remaine ſo long with the ſaid Teſtatoꝛ as it ſhould pleaſe both the ſaid parties, and the ſaid W.S. in conſideration there of, there faithfully agreed to pay, and ſatiſfie foꝛ the ſame, vnto the ſaid D.C. the Teſtatoꝛ oꝛ his execntoꝛs, during ſuch time as he and his ſaid wife ſhould remaine at boꝛde with the ſaid Teſtatoꝛ, ſo much lawfull Engliſh money, as the ſaid boꝛding ſhould be reaſonably woꝛth, and at ſuch time as he ſhould be thereunto required. By vertue of which putting to boꝛde, agreement, and faithfull pꝛomiſe, the ſaide W. and A. his wife, were at boꝛde with the ſaid Teſtatoꝛ by the ſpace of thꝛee whole yeares, oꝛ thereabouts, during all which time the ſaid Teſtatoꝛ at his owne coſtes and charges did finde vnto the ſaid W. and A. conuenient, and neceſſarie meate, dꝛinke, and lodging, and at ſundꝛie times Hay, and Graſſe foꝛ the Hoꝛſes of the ſaid W. which boꝛding, Hay, and Graſſe, by the ſaid ſpace of thꝛee yeares afoꝛeſaid, was reaſonably woꝛth foꝛtie pounds at leaſt. Yet the ſaide W. not ignoꝛant of the pꝛemiſſes, noꝛ regarding his ſaid faithfull agreement and pꝛomiſe, but imagining, and fraudulently intending the ſaid D.C. the Teſtatoꝛ, and your ſaid Oꝛatoꝛ his executoꝛ in this behalfe, craftily and deceiptfully to deceiue and defraud: albeit he hath beene oftentimes thereunto gently required by the ſaid Teſtatoꝛ in his life time, and by your ſaide Oꝛatoꝛ, his executoꝛ, after his death, hath not paid oꝛ ſatiſfied any thing vnto the ſaid Teſtatoꝛ in his life time, noꝛ vnto your foꝛeſaid Oꝛatoꝛ after his deceaſe foꝛ the ſame boꝛding, meate, dꝛinke, & lodging during the foꝛeſaid time, that he and his ſaid wife ſo remained at boꝛde with the ſaid Teſtatoꝛ, accoꝛding to his ſaid faithfull pꝛomiſe, and agreement, but hath euer hitherto, denied and refuſed thereſoꝛe to ſatiſfie and pay the ſaid Teſtatoꝛ in his life time, and your ſaid Oꝛatoꝛ after his death,

and

and yet doth denie and refuſe to pay and ſatiſfie your ſaid Oꝛatoꝛ foꝛ the ſame, againſt all right, equitie, and good conſcience, and to the hinderance of the execution of the ſaid laſt Will and Teſtament of the ſaid Teſtatoꝛ. In tender conſideration whereof, and foꝛ ſo much as your ſaid Oꝛatoꝛ hath none oꝛdinarie remedie to recouer any thing foꝛ the ſaid boꝛding, and pꝛemiſſes by the ſtrict courſe of the common lawes of this our Realme of England, as well foꝛ that it was not certainely agreed vpon betweene the ſaid W. and the ſaide Teſtatoꝛ, howe much the ſaid W. ſhould yeeld foꝛ the ſame: as alſo foꝛ that the ſaide Teſtatoꝛ did ſo much credite the ſaid W. that the ſaid pꝛomiſe and agreement was pꝛiuately made betweene themſelues, no perſon being thereunto called that might witneſſe the ſame, ſo that if happily the ſaid W. will not vpon his oath in his anſwere hereunto in this honoꝛable Court, confeſſe the ſaid pꝛomiſe and agreement, as your ſaide Oꝛatoꝛ is verely thinketh he will, your ſaid Oꝛatoꝛ is vtterly deſtitute of witneſſes to make pꝛoofe thereof. Albeit that it be moſt true, that the ſaide agreement and pꝛomiſe, was made and agreed vpon, as is afoꝛeſaid, which your ſaid Oꝛatoꝛ hath ſundꝛie times heard the ſaid Teſtatoꝛ ſay and declare: May it pleaſe your good Loꝛdſhippe, to grant vnto your ſaid Oꝛatoꝛ, &c.

A Bill for not entering into bonde to ſaue a ſuretie harmeleſſe according to promiſe.

IN moſt humble wiſe complaining ſheweth vnto your Honoꝛ, your daily Oꝛatoꝛ R. P. of W. in the Countie of S. yeoman, That whereas one F. L. of S. in the ſaid Countie of S. yeoman, did boꝛow of one A. B. of S. in the ſaid Countie of S. Gentleman, the ſumme of ſeuenteene pounds and twelue ſhillings, of good and lawfull money of England, to, and foꝛ the onely vſe of him the ſaid F. L. and of one R. L. of B. in the ſaid Countie of S. yeoman, kinſman to the foꝛeſaid F. L. and foꝛ the true diſcharging and paiment of the foꝛeſaide ſumme of ſeuenteene pounds, and twelue ſhillings, becauſe the ſaid R. L. was a man eſteemed to be of verie ſmall credit, and altogether vnknowen vnto the ſaid A. B. theꝛefoꝛe the foꝛeſaid R. L. earneſtly requeſted, and deſired of your ſaid Oꝛatoꝛ, being his neere neighbour, and of verie long acquaintance & familiaritie with him to enter into bond with him the ſaid F. L. to the ſaid A. B. foꝛ the true payment, and ſatiſfaction of the foꝛeſaid ſum of ſeauenteene pounds, and 12. s. and if in caſe your ſaid Oꝛatoꝛ would enter into bonde foꝛ him, then he the ſaid R. L. did faithfully pꝛomiſe, and affirme vnto your ſaid Oꝛatoꝛ to enter into a counter bond of double value to his bonde, vnto your ſaid Oꝛatoꝛ, to diſcharge, and ſaue him harmeleſſe againſt the ſaid A. B. his executoꝛs and adminiſtratoꝛs, of, and from all manner of actions, ſuites, arreſtes, quarrels,

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quarrels,troubles,molestations,and incumbrances whatsoeuer, which should or might arise by reason or meanes of the said obligation: wherupon your foresaid Orator (considering the great want and need that the foresaide R.L. did at that time stand in) trusting to his fayre speeches and promisses, after long entreatie and request to him made your said Orator did consent and agree to become bounden with the said F.L.to the foresaid A.B. for the paiment of the said summe of seuentie pounds twelue shillings, so that your saide Orator might haue such a counterbond from the said R.L. to discharge & saue him harmelesse against the said A.B. for and concerning the said bond,after which time,that is to say,the 25. day of March,in the xxix. yeare of the raigne of our soueraigne Lady the Queenes Maiestie that now is, The saide F.L.and your said Orator by their writing obligatory,did bind the said A.B. in the summe of xl. pound,of good and lawfull money of England, vpon this condition indorced vpon the saide writing obligatorie, viz. that if the said F.L. and the said R.P. your said Orator, or eyther of them, their heires,executors,administrators,of them,or any of them did well and truely content and pay vnto the said A.B. his executors and administrators, the said summe of xviii. l. xii. s. of good and lawfull money of England, at, or vpon the xxv. day of March, in the yeare of our Lord God, one thousand fiue hundred eightie and eight, in the Church porch of S. betweene the howers of one and three of the clocke in the after noone of the same day, that then the said writing obligatorie to be void and of no effect, or else to stand in full force and vertue: But so it is right honorable,that the said summe of xviii.l.xii.s. was not paide vnto the said. A.B. at the time and place mentioned in the said condition,whereby the said bond of xl. pound,wherein the said F.L. and your said Orator were bounden to the said A.B. was, and yet continueth forfaited,the said A.B.being not paide nor agreed withall,by reason whereof,your H.said orator is like to grow to great trouble and suite of law for the said bond: And albeit your honors said Orator hath diuers and sundry times sithence the making of the said bond, promise, and assumption, most earnestly requested the saide R.L. to make vnto your honors said Orator a counterbond, for the discharging and sauing harmelesse of your said Orator, against the said A.B. for, and concerning the said bond, according to his said assumption and promise,yet that so to doe,the said R.L.hath denied and refused euer hitherto,and yet doth denie and refuse to do the same,contrary to al right, equitie,and good conscience: In tender consideration whereof, and for asmuch as your said Orator hath no sufficient witnesse and wordes of assumption to maintaine an action vpon this case at the common lawe, meaning nothing but plainely, whereby he is void of all remedy at the

common

common law: May it therefore pleaſe your honour, the premiſſes conſidered, to grant vnto your ſaid Orator, the Queenes Maieſties moſt gracious writ of Subpena, to be directed to the ſaid R.L. &c.

A Bill for making falſe Affidauit for apparance.

A IN moſt humble wiſe ſheweth vnto your good Lordſhip, your Lo. Orator H.F. of L. Gentleman. That whereas vpon ſuite heretofore and yet depending in this honorable Court, betweene your Lo. ſaide Orator then plaintife, and one R.A. defendant in the ſaid ſuit, her Maieſties writ of Subpena was out of this ſaid Court vnto the ſaid R.A. directed, commaunding him thereby at a certaine day therein limitted, to appeare before your Lo. in the ſaid Court, and to anſwere to your L. ſaid Orator, in, and touching the ſaid ſuite: Now ſo it is, and it may pleaſe your good Lordſhip, that the ſaid R.A. not hauing any regard of her Maieſties ſaid proceſſe of Subpena, ſo to him directed, but ſeeking deceiptfully and fraudulently to neglect and diſobey the ſame, procured one E.B. his ſeruant, a very lewde perſon and fit miniſter for ſuch a purpoſe, to come vnto this honorable Court of Chancery, and there moſt corruptly, falſely, and periuriouſly, to ſweare and depoſe vpon the holy Euangeliſt, that the ſaid R.A. at that time was lame and not able to trauell to this Court, without great danger of his health, for that the paines of his lameneſſe was ſuch, that he was perſwaded by his friends to goe to the Bath, being thirtie miles diſtant from his dwelling houſe, or thereabouts, and that he was gone to the ſaid place with much a doe, and there remained at the taking of his ſaide Oath, wherein the ſaid E.B. by the meanes, ſubornation, and procurement of the ſaid R.A. hath moſt wickedly committed moſt willfull and corrupt periurie, Forasmuch as the ſaid R.A. was at that time in very good and perfect health, ability, and ſoundneſſe of bodie, without any maner of lameneſſe or debilitie, ſo as he might haue verie well trauelled without hurt or daunger of his health, and was at that time at C. in the County of L. and not at Bath, as the ſaid E.B. in his ſaid depoſition moſt vntruely depoſed. May it therefore pleaſe your good Lordſhip, &c. Sect. 101.

A Bill to be relieued of an Obligation with condition for that the money was paide accordingly.

IN moſt humble wiſe complaining ſheweth vnto your good Lordſhippe, your daily Orator N.K. of F. in the Countie of D. huſbandman, and I.B. of A. in the ſame Countie huſbandman. That where one N.B. of F. in the Countie of S. Gentleman, hauing neede to vſe and borrowe money for his neceſſarie vſe, entreated your ſaide Orator Sect. 102.

Oratoꝛ to boꝛꝛow of one M.E. of A. in the ſaid Countie of D. widow, the ſumme of xx.l. which your ſaid Oratoꝛ did accoꝛding to the requeſt of the ſaid N. And foꝛ the repayment therof to the ſaid M. your ſaid Oratoꝛ became bound to her the ſaid M. by obligation, in the ſumme of foꝛtie pounds with condition, foꝛ the payment of the ſaid twentie pound at a day now paſt, which twentie pounds he the ſaid N. hath well and truely contented, ſatiſfied, and paid to the ſaid M. accoꝛding to the condition afoꝛeſaid: Which notwithſtanding, ſo it is if it may pleaſe your good Loꝛdſhip, yet doth the ſaid M. againſt all good dealing detaine the ſaid obligation in her hands, notwithſtanding ſundꝛie requeſtes made vnto her by your ſaid Oratoꝛ, foꝛ the deliuerie thereof, againſt all right, equitie, and good conſcience, minding as it ſhould ſeeme to put the ſame in ſuite, eyther againſt your Oratoꝛ oꝛ his executoꝛs when oppoꝛtunity ſerueth. In tender conſideration whereof, and foꝛaſmuch as your ſaid Oratoꝛ hath not any oꝛdinarie remedie by the courſe of the common law, to compell the ſaid M. to deliuer the ſaid bond, oꝛ to cancell the ſame accoꝛding as in right ſhe ought to doe. May it pleaſe your good Loꝛdſhip to grant, &c.

A Bill for that the Plaintiffe hath not according to promiſe, procured an acquittance for rents by him paide to the Defendant by the appointment of his leſſor.

Sec' 103.

HUmbly complaining ſheweth vnto your honoꝛable Loꝛdſhip, your daily Oratoꝛ I.M. of M. in the Countie of Yoꝛke yeoman. That whereas about the firſt yeare of the Raigne of the late King Edward the firſt, one I.M. late father of your ſaid Oratoꝛ was lawfully ſeiſed in his demeſne, as of fee, of, and in certaine lands and tenements with the appurtenances in S. and within the pariſh of S. in the ſaid Countie, and being thereof ſo ſeiſed, died thereof ſo ſeiſed. By and after whoſe death the ſaid tenements and pꝛemiſſes with the appurtenances diſcended and came as of right they ought to diſcend and come to your ſaid Oratoꝛ as ſonne and nert heire of him the ſaid I.M. after whoſe death your ſaid Oratoꝛ entered into the ſaid tenements and pꝛemiſſes with the appurtenances, and was thereof ſeiſed in his demeſne as of fee, and being thereof ſo ſeiſed, one meſuage oꝛ tenement, one garden, one oꝛchard, one cloſe or croft, therunto adioining, diuers lands, meadowes and paſtures, parcell of the pꝛemiſſes, were aſſigned to A.M. late wife of the ſaid I.M. deceaſed foꝛ her dower of the ſaid lands of her ſaid huſband, by foꝛce whereof ſhe was thereof ſeiſed in her demeſne, as of freehold, and ſhe being thereof ſo ſeiſed, afterwards, that is to ſay, about the firſt day of June, in the fourth and fifth yeare of the Raigne of King Phillip and Queene Marie, by Indenture dated the day and

A

yeare

yeare aboueſaid, granted and to ferme did let vnto your ſaid Oꝛatoꝛ the ſaid lands, tenements, and pꝛemiſſes, to hold from the date of the ſaid Indenture, vnto the ende and terme of thꝛee ſcoꝛe yeares, if ſhe ſhould ſo long liue, reſeruing thereupon to her yearely during the ſaid terme of thꝛee ſcoꝛe yeares, if ſhe ſo long liue, thꝛee pounds of lawfull Engliſh money, which yearely rent of thꝛee pounds your ſaid Oꝛatoꝛ did well and faithfully pay vnto the ſaid A. and her aſſignes vntill about the tenth yeare of the raigne of our Soueraigne Ladie the Queenes Maieſtie that now is, at which time the ſaide A. did grant and aſſigne thirtie ſhillings, yearely, parcell of the ſaid yearely rent of thꝛee pounds during her life, to one R.M. of E. in the countie of D. Cutler. And afterwards, that is to ſay, about the twentith yeare of her Maieſties ſaid Raigne, the ſaid A. foꝛ ſundꝛie conſiderations did appoint the ſaide R. to receiue the other thirtie ſhillings yearely, reſidue of the ſaid yearly rent of thꝛee pounds to his owne vſe. And your ſaide Oꝛatoꝛ euer ſince the ſaid grant and appointment hath yearely paide vnto the ſaide R. as well the ſaid thirtie ſhillings rent, ſo to him granted by the ſaid A. as the ſaid other thirtie ſhillings rent, reſidue of the ſaid thꝛee pound rent. In tender conſideration whereof the ſaid R.M. about the firſt day of June laſt paſt faithfully pꝛomiſed your ſaid Oꝛatoꝛ to pꝛocure and deliuer vnto him ſufficient acquitances of the ſaid A. foꝛ all the ſaid rents which the ſaid R. had ſo, as is afoꝛeſaid, receiued of your ſaid Oꝛatoꝛ by the appointment of the ſaid A. And whereas further (if it may pleaſe your good Loꝛdſhip) about the eightenth day of Apꝛil, in the xxvii yeare of the raigne of the Queenes Maieſtie that now is, the ſaid R.M. being indebted to one W.S. of S. in the ſaid Countie Smith, in the ſumme of fiftie and thꝛee ſhillings and foure pence, of Engliſh money, did entreat your ſaid Oꝛatoꝛ to be ſuertie foꝛ him to the ſaid W.S. foꝛ the payment of the ſaid ſumme of fiftie thꝛee ſhillings foure pence to the ſaid W.S. at the feaſt of Saint Bart. the Apoſtle then next enſuing, which your ſaid Oꝛatoꝛ did accoꝛdingly, in conſideration thereof, the ſaid R.M. did then aſſume vpon himſelfe, and vnto your ſaid Oꝛatoꝛ faithfully pꝛomiſe that if he the ſaid R.M. did not well and truely pay vnto the ſaid W.S. the ſaid fiftie thꝛee ſhillings foure pence at the ſaid feaſt of Saint Bart. That then he the ſaid R.M. woulde ſufficiently conuey and aſſure to your ſaid Oꝛatoꝛ, the ſaid yearely rent of thirtie ſhillings, to him as afoꝛeſaid, granted by the ſaid A. together with the ſaid deed thereof, & afterwards the ſaid R.M. did neither pay to the ſaid W.S. the ſaid ſumme of fiftie thꝛee ſhillings foure pence, noꝛ any part thereof, at the ſaid feaſt of Saint Barth. noꝛ at any time ſince, noꝛ did conuey the ſaid yearely rent of thirtie ſhillings, oꝛ deede thereof to your ſaid Oꝛatoꝛ accoꝛding to his ſaid pꝛomiſe. But altogether contrarie

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to his owne promise hath procured the said A. to sue your Orator before the Queenes Maiestie, and her honorable Counsaile, established in the North parts, for xxv. l. s. as arrerages of the said yearely rent of three pounds, supposing the same to be behinde and vnpaid by the space of eight yeares and a halfe, now last past, notwithstanding that your said Orator hath well and truely paid the same to the said R. M. aforesaid. And the said R. M. although he hath beene often times gently required by your said Orator aswell to procure him the said acquittance of the said A. for the said rent of three pounds, as to make assurance of the said yearely rent of xxx. shillings, to him by the said A. granted, yet that to doe, he hath euer hitherto denied, and refused, and yet doth deny to doe the same, against all right, equitie, and good conscience, and to the greate hinderance and losse of your saide Orator. In tender consideration whereof, and for so much as the said agreements, promises, and paiments of the said rents were priuately made betweene your said Orator, and the said R. M. without any witnesses thereof, for that your said Orator reposed so great trust in the said R. M. being his naturall brother, that he called no man to beare witnesse thereof, so that he can haue none ordinarie meanes by the due course of the common lawes of this Realm, but is altogether remedilesse to obtaine or recouer any recompence or damages thereof, vnlesse the same R. M. will confesse the same to be true in his answere hereunto, as your saide Orator verely thinketh that he will. It may therefore, &c.

A Bill for that the defendant, for whom the plaintife was suretie to pay certaine money, did neither pay the said money, nor saue the plaintife harmeles.

Sect. 104.

HUmbly complaining sheweth vnto your honorable L. your daily Orator H. H. of E. in the Countie of D. yeoman. That whereas about the viii. day of October, in the xvii. yeare of the Raigne of our Soueraigne Ladie the Queenes most excellent Maiestie that now is, your said Orator, at the earnest request of one H. C. of C. in the said Countie yeoman, and R. C. his sonne, for and with the said H. did enter and become bounden vnto H. S. of E. aforesaid yeoman, in one Obligation or bond of xl. l. of lawfull English money thereupon indorsed with Condition, that if the said H. H. and H. C. or either of them, their executors, administrators, or assignes, or any of them, did well and truely pay or cause to be paide, vnto the said H. S. his executors or assignes, the summe of twentie pounds of lawfull English money vpon the ninth day of October, which then should be in the yeare of our Lord God 1581. at the now dwelling house of the saide H. S. in E. aforesaid, that then the said Obligation should be voide and of none effect. A

effect. And the ſaid H.C. and R.C. in conſideration thereof, did then and there aſſume vpon themſelues, and vnto your ſaid Oratoꝛ faithfully pꝛomiſe, that the ſaid H.C. the ſumme of twentie pound vnto the ſaid H.S. vpon the ſaid ninth day of October in the yeare of our Loꝛd God 1581. would well and truely pay, oꝛ cauſe to be paid, accoꝛding to the ſaid condition of the ſaid obligation. And that the ſaid H.C. and R.C. would from time to time, and at all times hereafter, ſaue & keep harmeleſſe, and indempnified your ſaid Oratoꝛ againſt the ſaid H.S. of, foꝛ and concerning the ſaid bond of foꝛtie pounds, and of, foꝛ and concerning all actions, ſuites, and troubles to be had oꝛ commenced againſt your ſaid Oratoꝛ, foꝛ, oꝛ by reaſon of the ſaide bond of foꝛtie pounds. And alſo that they the ſaid H.C. and R.C. would foꝛthwith haue beene bound vnto your ſaid oratoꝛ by their ſufficient obligation in the ſumme of foureſcoꝛe pounds, foꝛ the ſo ſauing harmeleſſe of your ſaid Oratoꝛ againſt the ſaid H.S. as is afoꝛeſaid. But now ſo it is, if it may pleaſe your honoꝛable Loꝛdſhip, that the ſaid H.C. intending your ſaid Oratoꝛ in this behalfe, craftily and ſubtilly, to defraud and deceiue, hath neyther paide vnto the ſaid H.S. the ſaid twentie pound the ſaid ninth day of October in the ſaid yeare of our Loꝛd God 1581. accoꝛding to the effect and meaning of the ſaid condition, noꝛ at any time ſithence, noꝛ the ſaid H.C. and R.C. haue become bounden vnto your ſaid Oratoꝛ in the ſaid Obligation of foureſcoꝛe pounds, to ſaue your ſaid Oratoꝛ harmeleſſe againſt the ſaid H.S. as is afoꝛeſaid, albeit that your ſaide Oratoꝛ hath ſundꝛie times gently required them, and either of them ſo to doe, the ſame to doe, haue euer hitherto refuſed, and yet doe refuſe and denie to doe the ſame againſt all right, equitie, and good conſcience, contrarie to their faithfull pꝛomiſe and aſſuumption afoꝛeſaid, ſo that your ſaid Oratoꝛ is likelye verie ſhoꝛtly to be enfoꝛced to pay vnto the ſaid H.S. the ſaid twentie pounds, which would be to the great damages and hinderance of your ſaid Oratoꝛ, if ſpeedie remedie be not in this behalfe by your good Loꝛdſhip in due time pꝛouided to pꝛeuent the ſame, wheꝛefoꝛe and foꝛaſmuch as your ſaid Oratoꝛ giuing faith and credite to the ſaid pꝛomiſe & aſſumption of the ſaid H.C. did take their ſaid pꝛomiſe and aſſumption of them, without calling anie witneſſe to them to heare the ſame, ſo that your ſaid Oratoꝛ foꝛ want of ſuch witneſſes hath no remedie by the common lawes of this Realme, noꝛ otherwiſe to make them perfoꝛme the ſame pꝛomiſe and aſſumption, vnleſſe the ſaid H.C. and R.C. doe confeſſe the ſame in their anſwere in this Honoꝛable Court, as your ſaide Oratoꝛ verely thinketh they will. Pray it, &c.

A Bill

Supplications, Bils,

A Bill for entitling himselfe to the soyle of a common, and for, selling of woods therein growing.

Sect. 105.

IN most humble wise complaining sheweth and complaineth to your Honor, your daily Orator R.G. Clerke, Prebendarie of the Prebend, commonly called the Prebend of the Duerhall in Norwell, in the Collegiate Church of Southwell in the Countie of Nott: That whereas your said Orator was, and is seised in his demesne as of fee, in the right of the said Prebend, of, and in one Manor in Norwell, in the said Countie, whereof certaine wooddy grounds and sprinnges, being most commonly open, and the herbage thereof, taken and used as common by the tenants and other inhabitants of the same Manor and Towne of N. aforesaid is parcel. And the tenants and inhabitants of the same Manor and Towne of N. aforesaid, as tenants of the same Manor, And other tenants and inhabitants within the townes and villages of C. and R. that is to say, by them as Commoners, because of Vicinage, by reason of which said wooddy and spring of grounds, used as common, as is aforesaid, part whereof is parcell of the same Manor of N. containing by estimation twentie acres, extending in length from a certaine Oke tree, being a boundarie Oke betwixt the same and such other like grounds, being parcell of an other Prebend in the Collegiate Church of S. aforesaid, commonly called the Prebend of the Neatherhall or Palacehall in N. aforesaid, and from thence extendeth along, by a place where three trees lately there did grow, commonly called the three brethren, and so from thence along by a Meare, which is as it hath beene an ancient drie ditch cast up as it were, or had beene a Meare Southward betwixt the seuerall Lords and owners of the lands in that place, that is to say, first Eastwardes, betweene the Lord and owners of the same lands, and the Manors and lands of Caunton & Besthrop, and Westwarde vnto the manor of Kirkhall, and from thence downeward West vnto the parke pale of R. and by the same parke pale Northward by a certaine little riuer of water, vnto certaine of the like landes and tenements of the said other manor of P. aforesaid, and so Eastward vpward vnto the foresaid ancient Oke, which said parcell of ground, one R.W. and F.B. Gentlemen, and one R.T. yeoman, pretending to haue seuerall manors in C. aforesaid, And hauing diuers deeds, Charters, euidences, bonndaries, terrars and muniments, concerning the premisses of right belonging to your said Orator, casually or by some sinister meanes come to their hands, doe not onely claime the same to be parcell of their said seueral manors, But also vnder pretence of their said pretended and vncertaine claime, not onely some of them, but also diuers other vnder the colour or permission of some of them hath not,

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and cauſed to be cut downe the moſt part of the beſt trees growing vpon the ſaid parcell of wood ground, as in trueth, all that was felled, did grow there in a corner thereof towards the Eaſt part containing like 12. acres, and that in abſence of your ſaid Orator, then being, and yet remaining a ſtudent in the Vniuerſity of Cambridge, that is to ſay, a fellow of Gunuill and Caius Colledge, and not ſoe contented, but conſidering your ſaide Orators abſence, daily and continually, both continue their former claime to the ſaid ground within the meeres and boundes aforeſaid, and ſo doe cut downe, and cauſe to be cut downe the reſidue of the wood there growing, and ſo will very ſhortly leaue none there. And alſo by colour and reaſon of the ſaid permiſſion, they will ſhortly by ſuch indirect meanes and practiſe, winne, and get the freehold, and inheritance thereof to them, as they haue in other the waſts, common, & like grounds, within the Manor, of, or in C. or at the leaſt, haue none able to teſtifie the contrarie, whereas now in trueth there are diuers and ſundry ſufficient and ancient witneſſes, being very aged, and ſome of them very impotent, that can and will trauell ſo farre as they are able to trauell, to teſtifie vpon their oathes the trueth of the premiſſes in manner and forme as before in effect is alleaged, and more for the better proofe of your ſaid Orators right, in, and to the ſaid laſt recited premiſſes, if cauſe and neede ſhall ſo require, and that the ſaid R.W. F.B. and R.T. vpon their anſwere vnto the matters in this bill of complaint, will not confeſſe the trueth therein, as it is moſt credibly to be preſumed they will, and the rather, for that, if they will denie the ſame, they know in proceeding vpon their anſweres to this bill, all the whole trueth concerning the premiſſes muſt be examined by depoſitions of witneſſes, and their depoſitions, if order preſently be not taken of the ſame, ſhall and may remaine of record in perpetuam rei memoriam, to doe further therein, as by this honorable Court ſhall be awarded, wherefore the premiſſes tenderly conſidered, and alſo the incertaintie, whether the ſaid R.W. F.B. and R.T. or any of them will confeſſe the whole trueth, concerning the right and title of your foreſaid Orator to the ſame, And the wrong and damage by them, and other by their meanes and conſent to him done. And if they ſhould not, the vncertainty whether that the foreſaid ancient, aged and impotent perſons, or any of them that now be liuing, and can teſtifie the trueth concerning the ſame ſhall be liuing when the ſame ſhal come in triall, at, or by the courſe of the common lawes, to whom the right of the freehold, and inheritance thereof doth of right belong, ouer and beſides the impotency, that they or moſt of them may haue at ſuch time and times, to trauel to witneſſe & teſtifie the trueth concerning the premiſſes, with this, that your ſaid Orator doth not know the certaine date

or dates of the said deeds, charters, euidences, boundaries, terrers, mimiments, or wherein the same be contained, whether in bagge, or boxe, sealed, or locked, or otherwise, and so without remedy for the recouery of the same, and redresse for the wrong aboue said, at, or by order of the common lawes of this Realme. It may therefore &c.

A Bill against the executors for that the Testator did not deliuer specialties paid, whereupon they threaten to sue the Plaintife.

Sect. 106. IN most humble wise complaining, sheweth to your good Lordship A your poore and daily Orator G. N. of T. in the Countie of D. yeoman, that whereas your said Orator about the moneth of Ianuary, in the xxx. yeare of the Raigne of our Soueraigne Lady Elizabeth, the Queenes Maiestie that now is, by his seuerall bonds, or writings obligatory became bonnd to one N. D. now deceased, for the paiment of seuerall summes of money vnto the said N. All which said summes of money, and euery parcell thereof your said Orator hath truely satisfied and paid to the said N. D. in his life time, according to the purport and effect of the said seuerall bondes and writings obligatorie, not taking any of the specialties, or any acquittance or discharge from the said N. D. for the same, but onely trusted the wordes of the said N. D. who faithfully promised your said Orator to sende the same specialties to your said Orators house, at Totley aforesaid, or sufficient acquittance for the same. But now so it is, if it may please your good Lordshippe, that since the death of the said N. D. the saide obligations and writings obligatory are come to the handes and possession of N. C. of S. in the Countie of Yorke, yeoman, and T. C. of S. aforesaid yeoman, who by colour of hauing thereof, haue nowe of late in their owne names as executors to A. D. late wife of the said N. D. and executrix of the last Will and Testament of the same N. commenced suit in her Maiesties Court of common Plees at Westminster, against your Lordships said poore Orator, vpon one of the said obligations or writings obligatory of the summe of xii. pounds or thereabouts, indorced with condition for the payment of fiue pounds, at a day mentioned in the same condition, and doe threaten to put the residue of the said specialties in suite against your said Orator, meaning, and intending thereby to recouer against your said Orator the penalties of the said seuerall obligations, and writings, who hath already paide the principall and due debts of the said N. D. in his life time as aforesaid, which is contrarie to all right, equity, and good conscience: in consideration whereof, and for as much your Lordships said Orator hath not any witnesses now liuing, that can testifie the paiment of any of the saide summes of money, or any part or parcell thereof, and therefore can not plead any

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matter in barre at the common law to the ſaid actions alreadie commenced by the ſaid C. and C. whereby your ſaid Oratoꝛ, by the ſtrict courſe of the common lawes of this Realme is altogether remedileſſe, vnleſſe your Loꝛdſhips accuſtomed goodneſſe be to your ſaid pooꝛe Oratoꝛ extended. May it therefoꝛe pleaſe your good Loꝛdſhip, &c.

A Bill againſt executors vpon a priuate promiſe made by their teſtator, retayning an Atturney to proſecute and defend ſuits, for himſelfe, and others, alleaging that the executors haue waſted the Teſtators goods &c.

AHVmbly complaining, ſheweth vnto your honoꝛable Loꝛdſhip your daily Oꝛatoꝛ W.W. of F. in the County of Y. gentleman, one of the Atturneies of the Queenes Maieſties Court of common Plees, befoꝛe her Highneſſe Juſtices, to be holden of the ſame Court, that whereas one I.Y. of T. neere N. in the County of Nottingham Eſquier deceaſed, in his life time, that is to ſay, about ỹ terme of the holy Trinity, which was in the yeare of our Loꝛd God 1586. did retaine the ſaid W.W. to be of councell with him the ſaid F.Y. to pꝛoſecute and defend diuers and ſundꝛy ſuites, plees, and buſineſſes to be done, and had in the ſaid Court of common plees, as well foꝛ the ſaid F.Y. as foꝛ diuers others, his then ſeruants, and bailifes, and tenants, and namely foꝛ the ſaid I.Y. againſt R.E. in a wꝛit of Repleuin foꝛ three Kine of the ſaid R. ſuppoſed to be vniuſtly taken and detained by the ſaid I.Y. And foꝛ the ſaid I.Y. againſt H.T. in a Repleuin of the ſaid H. foꝛ ſixe Oxen ſuppoſed to be taken, & vniuſtly detained by the ſaid I.Y. And foꝛ the ſaid I.Y. againſt I.H. in a Repleuin foꝛ two Kine of the ſaid I.H. ſuppoſed to be taken & vniuſtly detained by the ſaid I.Y. And foꝛ the ſaid I.Y. againſt E.S. in a Repleuin of certaine cattell of the ſaid E. ſuppoſed to be taken, & vniuſtly detained by the ſaid I.Y. And foꝛ R.R and W.S. againſt R.L. foꝛ three Oxen of the ſaid R.H. ſuppoſed to be taken and vniuſtly detained by the ſaid R.R. and W.S. And foꝛ I.S. and R.S. againſt H. T. alias W. in a Repeuin, foꝛ certaine beaſts of the ſaid H.S. ſuppoſed to be taken & vniuſtly detained by the ſaid I.S. and R.S. And foꝛ R.R. and W.S. againſt R.H. in a Repleuin of diuers beaſts of the ſaid R.H. ſuppoſed to be taken & vniuſtly detained by the ſaid R.R. & W.S. And foꝛ I.S. & T.W. againſt T.E. in a Repleuin of certaine beaſts of the ſaid T.E. ſuppoſed to be taken & vniuſtly detained by the ſaid I. & T.W. And foꝛ the ſaid I.S. and T.W. againſt the ſaid R.E. in an other repleuin of certaine beaſts of the ſaid R.E. ſuppoſed to be taken & vniuſtly detained by the ſaid I.S. & T.W. taking foꝛ his fee & labour foꝛ euery one of the ſaid plees & buſines ſo as is ſaid in the ſame court by him to be pꝛoſecuted and defended foꝛ euery terme Sect. 103.

in which your said Oratoꝛ should so be Atturney foꝛ him oꝛ them oꝛ any of them, 3.s̄.4.d̄. And besides that fee, all reasonable costes, and expences about the pꝛosecution of the same suites, plees, and busines, as foꝛ the wꝛiting of wꝛits, sealing of them, and dꝛawing and entring of plees and warrants of atturney, and also foꝛ all other things in that behalfe, by him your said Oratoꝛ be laid foꝛth and expended, and in consideration thereof, he the said F.M. did about the same time, assume vpon himselfe, and vnto your said Oratoꝛ faithfully pꝛomise, well and truely to content, satisfie, and pay vnto the said oꝛatoꝛ whensoeuer he should be thereunto required by your said oꝛatoꝛ aswel the said fee of 3.s̄.4.d̄. foꝛ euery of the said suits, plees, & busines so to be pꝛosecuted, as also all the said costs, and expences, so as is afoꝛesaid, to be laid foꝛth in that behalfe: by reason of which reteiner & pꝛomise, so as is afoꝛesaid made, your said Oratoꝛ was of counsaile with the said I.M. and the said other persons in the said suits, & plees in the said court, by the space of 8 seueral termes next ensuing the said retainer, & during the said time, did pꝛosecute and sue foꝛ & defend diuers suits & wꝛits, aswell iudiciall as oꝛiginall as by the recoꝛds thereof remaining in the said court appeareth, by reason wheꝛof your Oratoꝛ fees foꝛ the pꝛosecution, and defending of the saide suits, oꝛ plees by the said time did amount vnto 10.l. oꝛ thereabouts, besides the costs & expences laid out by him in the same, which costs & expences laid out by your Loꝛdships said oꝛatoꝛ, did amoũt vnto 8.l.19.s̄. 9.d̄. which were behind, & vnpaid vnto your said oꝛatoꝛ by means wheꝛof action accrued vnto your said Oratoꝛ to demaund and haue of the said I.M. in his life time the said summe of 18.l.19.s̄. & 9.d̄. and of the said A.M. vnto whom the administration of all the goods & chattels which the foꝛesaid I.M. had at the the time of his death were after his death lawfully committed, yet theꝛfoꝛe the said I.M. in his life time the said summe of 18.l.19.s̄. & 9.d̄. noꝛ any peny thereof though often times in his life time theꝛunto by your said Oratoꝛ required, oꝛ the said A.M. his administratoꝛ after his death, notwithstanding that the goods & chattels which were the said I.M. be sufficient foꝛ the paiment of the said 18.l. 19.s̄.9.d̄. vnto your said Oratoꝛ, and of all other debtes which the saide I.M. ought to haue paid, did come to the possession of the said A.M. and still remaine in the possession of her the said A.M. oꝛ of such person and persons, vnto whom she hath yelded, left, oꝛ deliuered the same, notwithstanding that she hath sundꝛy times since the death of the said I.M. hin gently required by your said Oratoꝛ to pay to him the same 18.l. 19.s̄.9.d̄. oꝛ any part thereof, hath not yet paid and contented, but the same to content and pay hath euer hitherto denied and refused, and the said A. doth yet denie and refuse to pay the same, thereof intending vterly to defraud and deceiue your said Oratoꝛ against all right, equity,

and

and good conſcience, notwithſtanding alſo that ſhe the ſaid A.M. hath her ſelfe at ſundrie times heard the ſaid I.M. in his life time promiſe that he would pay vnto your ſaid Orator all ſuch ſummes of money, as were behinde vnto your ſaid Orator, and notwithſtanding alſo, that ſhe well knoweth, that the foreſaid ſumme of 18. l. 19. s. 9. d. due vnto your ſaid Orator by the aforeſaid I.M. in his life, by reaſon that ſhe hath ſeene, and hath a particular bill thereof, which was ſent and deliuered to him in his life time by your ſaid Orator, and notwithſtanding alſo, that ſhe her ſelfe ſince the death of the ſaid I.M. did aſſume, & faithfully promiſe to pay vnto your foreſaid orator, all ſuch mony as was due vnto him at the ſaid time of his death, if ſhe the ſaid A.M. did take vpon her the adminiſtration of his goods, and chattels, which ſhe hath done as is ſaid. All which things ſhe the ſaid A. hath done partly by her owne iniurious minde, but chiefly by the wicked and ſinfull perſwaſion of R.M. gentleman her ſonne, by whoſe counſaile and perſwaſion ſhe hath cloſely and ſecretly conueyed away a great part of the ſaide goods being of verie great value, to diuers places and perſons, to your ſaid Orator vtterly vnknowen, and left the ſame out of the Inuentorie of the ſaid I.M. his ſaid goods which ſhe hath exhibited: and alſo hath cauſed ſuch goods and chattels, as be mentioned in the ſaid Inuentorie, to be praiſed much vnder the value thereof, and a great part thereof to be ſet downe therein ſo confuſedly, and inconueniently, that it cannot well be knowen, either what they be, or of what value. And furthermore ſhe the ſaid A. by the like ſiniſter counſaile, and perſwaſion hath conſented and cauſed one H.B. and T.C. and diuers other perſons being her eſpeciall friends couenously to commence diuers and ſundrie fraudulent actions of debts, and executions, againſt her as adminiſtratrix of, and to the ſame I.M. ſuffering her ſelfe therein to be conuicted and condemned, though in verie trueth either nothing or verie little was due vnto them, and in a manner nothing at all taken of her by them, by vertue of the ſaid actions, and executions, to the intent thereby to daſle the eies of your Orator, and of other the creditors of the ſaid I.M. not knowing the trueth of the ſame vngodly deuiſes, intending by ſuch meanes to defraud and defeat, your ſaid Orator, and the reſt of his ſaid creditors, of the moſt part of their ſeuerall debts, which their vnlawfull practiſes, are like to be to the great loſſe and hinderance of your ſaid Orator, if ſpeedie remedie be not by your good Lordſhips meanes prouided, to meete with and preuent the ſaide vnconcionable and vniuſt dealing in the premiſſes, for that the promiſes and aſſumptions of the ſaid I.M. and A.M. were made ſecretly and priuately vnto your ſaid orator, no perſons being preſent with thē at the making of the ſaid ſeuerall promiſes, nor anie man liuing which can teſtifie the ſame, ſo

that your said Orator for want of such proofe thereof, as is requisite by the strict course of the common lawes of this Realme, is altogether remediles, if it be not by thorder of this honorable court, wherein your L. said Orator hopeth, & verily thinketh, that she the said A. M. in her aunswere to the premisses, upon her corporall oath will confesse the same, to be in effect, as it is herin set forth & disclosed: May it therfore please &c.

A Bill for diuers Euidences.

Sect. 108. HUmbly complaining sheweth unto your Lordship, G. Earle of. S A That whereas the said Earle is lawfully seised in his demesne as of fee, of, and in the manor of S. in the County of Y. and in the hundred of S. with thappurtenances in the County of D. and of and in the castle and manor of S. with thappurtenances in the County of Y. and of the castle & manor of B. in the County of D. and of, and in the castle & manor, and hundred of B. in the County of D. with thappurtenances, and of, and in diuers mesuages, lands, tenements, hereditaments, franchises and liberties, to the said seuerall manors & hundreds belonging: Now so it is, if it may please your good Lordship, that diuers and sundry court roles, charters, euidences, exemplifications of records, extracts, terrers, pleadings, writings, and muniments, concerning the said seuerall manors, hundreds, and premisses with thappurtenances, & of right belonging unto the said Earle, and whereby the said Earle should make his title unto the said manors, hundreds, liberties, and premisses with thappurtenances, or to the most part thereof, are by casual meanes come unto the hands, custodie, and possession of one N. C. of S. in the County of D. And albeit that the said Earle hath sundry times sent unto the said N. C. gently requiring him to deliuer unto the said Earle the said court rolles, charters, euidences, exemplifications of recordes, extractes, pleadings, writings, and muniments, yet that to do, the said N. hath euer hitherto utterly denied, & yet doth deny to do the same, against all right, equity, and good conscience: In tender consideration whereof, and for so much as the said Earle knoweth not the certaine dates, and other the certainties of the said deeds, charters, euidences, exemplifications &c. neither wherein they, or any of them be contained, & therefore haue not any ordinary remedy by the common lawes of this Realme, to recouer the same deeds, euidences &c. or any of them, and wanting the same deeds, &c. is in daunger to loose many franchises, liberties, and commodities belonging to the said seuerall manors, hundreds, and premisses: May it therefore please your honorable Lordship, to grant unto the said Earle, the Queenes Maiesties most gratious writ of Subpena, to be unto him directed, commaunding him to appeare before your honorable Lordship in her Maiesties high Court of Chancery, &c.

A Bill

A Bill for not making of an aſſurance of landes according to a couenant, alleaging the Indenture thereof, to be come to the defendants handes, and that ſome of the defendants were within age at the making of the ſame Indenture.

A COmplaining ſheweth vnto your honorable Lordſhip, Gilb. Earle of S. ſonne and heire of the right honorable George late Earle of S. deceaſed, and adminiſtrator of the goods and chattels which were the late Earles at the time of his death, That whereas about the moneth of September, which was in the two & thirtieth yere of the raigne of the Queenes moſt excellent Maieſtie that now is, one R.E. of H. in the County of D. gentleman, was ſeiſed in his demeſne as of fee, of, and in one Annuitie or yearely rent charge of twentie pounds by the yeare, iſſuing and going forth of certaine landes in B. in the ſaid Countie of D. and of, and in one other Annuitie or yearely rent charge of fortie markes by the yeare, iſſuing and going forth of certaine landes and tenements in B. aforeſaid. And where alſo he then had to him and his heires, to thuſe of him and his heires for euer, by conueiance from one P.B. Eſquier, one melting houſe and certaine ground then lately vſed to the ſame. And where further the ſaid R. E. by conueyance from the ſaid P. B. then had to him and his heires for euer, the Tyeth of the Corne and Hey renewing, comming, or growing within B. aforeſaid, or elſe where within the ſeuerall pariſhes of D. or S. or eyther of them, in the ſaid County of D. And where alſo one T.E. ſonne & heire apparant of the ſaid R.E. then alſo had by conueiãce from the ſaid P.B. to thuſe of the ſaid T.E. and his heires for euer, diuers and ſundry lands, tenements, & hereditaments with thappurten...ces in B. aforeſaid. And where alſo one G.E. ſecond ſonne of the ſaid R.E. then had by conueyance from the ſaid P.B. vnto the vſe of the ſaid G.E. his heires and aſſignes for euer, the manor of B. with thappurtenances, & diuers lands, tenements, & hereditaments with thappurtenances, as by ſeuerall conueyances of the ſaid ſeuerall tenements, things, & premiſſes, to the ſaid R.T. and G. before that time ſeuerally made appeareth: by force whereof they were thereof lawfully ſeiſed ſeuerally in their ſeueral demeſnes, as of fee, And being thereof ſo ſeiſed, they the ſaid R.E. T.E. & G.E. for a certaine ſumme of money to them well & truly paid by the ſaid late E. and for other conſideratiõs them then eſpecially mouing, by Indenture bearing date, in or about the ſaid moneth of Sept. in the xxxii. yeare aboue ſaid, made betweene them on the one party, and the ſaid G. late Earle of S. on the other party, did fully, freely, and abſolutely alien, grant, borgaine, & ſell vnto the ſaid G. late Earle of S. his heires & aſſignes for euer, the ſaid manor of B. with al his rights, mẽbers & appur-

Sect 109.

tenances in the said Countie of D. And all & singuler mesuages, tofts, cotages, houses, &c. to the said Manor of B. belonging, or in any wise appertaining, And all other the mesuages, lands, tenements, rents, reuersions, seruices, and hereditaments of the said R.T. and G.E. and of euerie of them, whatsoeuer, scituate, lying &c. Together withall the reuersion and reuersions, remainder and remainders, of all and singuler the premisses, and euerie part thereof with thappurtenances, and all estate, right, title, interest, claime, vse, possession, and demaund, of them the said R.E. T.E. and G.E. and of euerie of them whatsoeuer, of, in, and to the said Manor, mesuages, landes, tenements, hereditaments, and other the premisses before mentioned, and of, in, and to euery part thereof: Excepting and forprising one grant made by the said P.B. to the said R. his heires and assignes for euer, of common of pasture for all &c. To haue and to hold the said Manor, lands, tenements, and premisses with thappurtenances, (except before excepted) vnto the said G. late Earle of S. his heires and assignes for euer, to the onely vse of him the said late Earle, his heires and assignes for euer: And in consideration of the premisses the said late Earle by the said Indenture of bargaine and sale, did grant vnto the said R.E. his heires and assignes for euer, to the onely vse of the said R. his heires and assignes for euer, one Annuitie or yearely rent charge of one hundred pounds, of lawfull English money, to be issuing and going out of all and singuler the said manor, lands, tenemnets, and premisses, (except before excepted) and except such lands, tenemēts, & hereditaments as were then assured or conueyed for the Jointure of the right Honorable Elizabeth then, and yet Countesse of S. to be paide at the feast of S. Michaell the archangell, and the Annunciation of the virgin Marie, by euen portions, or to this or the like effect and meaning, as in, and by the said Indenture of bargaine and sale amongst other things plainely appeareth, the precise contents whereof, this complainant cannot more certainely set downe, for want of the said Indenture. And whereas also (as this complainant hath heard) it was in, and by the said Indenture of bargaine and sale couenanted and granted on the part of the said R.E. T.E. and G.E. to and with the said G. late Earle of S. this complainants said late Father, his heires and assignes, and euery of them, that they the said R.E. T.E. and G.E. their heires and assignes, and euery of them, other then such person and persons for the time being, whose estates and interests are in the same indenture excepted, their executors, administrators, and assignes, and euerie of them, in respect onely of the same estates and interestes so excepted, and euerie of them, should and would at all times hereafter, for, and during the space of certaine yeares, next ensuing the date of the said Indenture of bargaine and sale, now almost ended and

expired,

expired,at,and vpon the lawfull and reaſonable requeſt,and at the coſts and charges in the law of the ſaid late Earle, his heires or aſſignes, or ſome of them do make and knowledge, and ſuffer,cauſe, and procure to be done, made, and knowledged, all and euerie ſuch further, lawfull, and reaſonable act and actes,thing and things,deuiſe and deuiſes in the law whatſoeuer, for the further and more better aſſurance, ſuretie,and ſure making and conueying of the ſaid Manor of B. and the meſuages, lands, tenements,and premiſſes with thappurtenances, in the ſaid Inventure mencioned to be bargained and ſold, (except before therein excepted vnto the ſaid late Earle, his heires and aſſignes, to the onely vſe and behoofe of the ſaid Earle,his heires and aſſignes for euer,according to the true intent and meaning of the ſaid Indenture, were it by fine, feoffement,recouerie, deed, or deeds inrolled, the inrolement of the ſaid Indentures, releaſe, confirmation with ioynt or ſenerall warranty of the ſaid R.E. T.E. and G.E. their, and euecie of their heires againſt them the ſaid R.E. T.E. & G.E.their, and euery of their heires and aſſignes, & euerie of thē. & againſt all and euerie other perſon and perſons whatſoeuer claiming,in,by,frō,or vnder them,or any of thē or otherwiſe with like warranty,or without warranty as by the ſaid Earle,his heirs or aſſignes,or his or their counſel learned in the lawes,ſhould be deuiſed, aduiſed, and required, ſo as none of the ſaid actes or things concerning the ſaid further aſſurance ſhould ſtretch or extend to any other or further warranty or warranties of the premiſſes, or any part thereof, then as is before expreſſed, or to that effect and meaning, as in the ſame Indenture of bargaine and ſale appeareth: But now ſo it is if it may pleaſe your honorable Lordſhip, that at the time of the making of the ſaid Indenture of bargaine and ſale vnto the ſaid late Earle, the ſaid T. E. and G.E. were within and vnder the age of one and twentie years: And ſhortly after the making of the ſaid Indenture, and before the ſame was either knowledged or inrolled, or any eſtate executed thereupon, by Atturnement, Liuerie of ſeiſin, or otherwiſe, that is to ſay: vpon, or about the ſeuentreenth day of Nouember, next enſuing the making of the ſaid Indenture, the ſaid G. late Earle of S. died, by, and after whoſe death, the right to haue and inherite the ſaid Manors, lands, tenements,and premiſſes with the appurtenances, diſcended and came, as of right the ſame ought to diſcend and come vnto this complainant, as his eldeſt ſonne & next heire,ſhortly after whoſe death,the adminiſtration of all the goods and chattels of the ſaid G. late Earle of S. was by the right Reuerend father in God, I. by the prouidence of God, Archbiſhop of Canterbury,Primate & Metropolitaine of all England, committed to this complainant now Earle of S. who adminiſtred the ſaid goods & chattels accordingly. And further ſo it is, if it may pleaſe

your

your good Lordship, that the part or counterpaine of the said Indenture of bargaine and sale belonging to the said late Earle, is since the death of the said late Earle by casuall meanes comen to the handes, custodie, and possession of the said R.E. T.E. and G.E. or of some of them, or of some other person by their priuity and consent, the full contents whereof are vtterly vnknowen to this complainant, by colour whereof and for that the said T. E. and G. E. were so, as is aforesaid, within age at the making of the said Indenture, they the said R.E. T.E. and G.E. hauing a great desire to haue the said manors, lands, tenements, and bargained premisses, and thereof to disinherite and defeat this complainant, contrary to the true intent and meaning of the said Indenture: Notwithstanding that this complainant hath yearely sithence the making of the said Indenture, well & truely satisfied and paid vnto the said R.E. the said Annuity or yearly rent charge of 100. pounds, by the yeare, in the said Indenture mentioned, according to the tenor, forme, and effect of the same Indenture, (as this complainant verely thinketh.) And notwithstanding that this complainant hath sundrie times, aswell by himselfe, as by diuers other of his seruantes and friends in his behalfe, sent and come vnto the said R.E. T.E. and G. E. gently requiring them, and euery of them, to redeliuer vnto your said Orator, the said part or Counterpaine of the said Indenture of bargaine and sale of the premisses, And also to make vnto him this complainant and his heires, further conueyance and assurance of the said manor, tenements, and premisses, by fine to be leuied before the Justices of the common Plees at Westminster, and for that purpose in the terme of Saint Hillarie, which was in the foure and thirtieth yeare of the Queenes Maiesties Raigne that now is, at Westminster in the Countie of Middlesex, this complainant required the said R. and T. according to the tenour, true intent, and meaning of the said Indenture of bargaine and sale thereof, to come before Sir E.A. knight, then, and yet chiefe Justice of her Maiesties Court of common Plees at Westminster, to make cognisance before the same E. A. Knight, of the said manor, tenements, and premisses with thappurtenances, in forme of Lawe, that a fine thereupon might haue beene leuied, to the vse of this complainant, and his heires for euer, yet that to doe, they and euery of them haue euer hitherto refused and denied, and yet doe denie and refuse to doe the same, contrarie to the forme and true meaning of the couenants and agreements in the said Indenture of bargaine and saile thereof conteyned, and against all right, equity, and good conscience, and to the manifest defeating an disinheriting of him this complainant, of, and in the said manor, landes, tenements, and premisses, and contrary to the true intent and meaning

ning of the ſame Indenture of bargaine and ſale thereof, except ſpeedie remedie be in due time prouided to preuent the ſame. Wherefore the premiſſes conſidered, and for ſo much as the ſaid complainant not knowing the certaine date and contents, and other certainties of the ſaid part or Counterpaine of the ſaid Indenture of bargaine and ſale, nor wherein the ſame is contained, whether in bagge, bore, or cheſt locked, ſealed, or otherwiſe, and ſo hath none ordinary remedy by the due courſe of the common lawes of this Realme, for the recouery thereof. And without the ſame Indenture hath no direct action by the common lawes of this Realme to compell the ſaid R.E. T.E. and G.E. or any of them to aſſure vnto him this complainant, the ſaid manor, lands, tenements, and premiſſes, according to the ſaid bargaine thereof, for lacke of the ſaid Indenture, both partes thereof being come to the hands of the ſaid defendants. Neither if this complainant had the ſaid part or Counterpaine of the ſaid Indenture (as he hath not) yet had he not thereby any meanes by the common lawes of this Realme, to compell the ſaid T.E. and G.E. or either of them to performe the bargaine and couenants therein contained, they the ſaid T. and G. being as is aforeſaid, vnder the age of one and twenty yeares, at the time of the making thereof, It may pleaſe your honorable Lordſhip, the premiſſes, conſidered, to grant vnto him this complainant, the Queenes Maieſties moſt gratious writ of Subpena to be directed to the ſaid R. E. T.E. and G.E. and euery of them, thereby commaunding them and euery of them at a certaine day, and vnder a certaine paine therein by your good Lordſhip to be limitted, to be and perſonally to appeare before your honorable Lordſhip in the Queenes Maieſties high Court of Chancery, then and there to anſwere vnto the premiſſes, and further to ſtand to, and abide ſuch order and direction therin, as to your good L. vpon the hearing of the ſaid cauſe ſhal ſeeme to be agreeable with right, equity, and good conſcience &c.

A Bill againſt the heire for entring into lands deuiſed to the plaintife, praying a Commiſſion to examine witneſſes in perpetuam rei memoriam.

A HVmbly complaining ſheweth vnto your good Lordſhippe your poore and diſtreſſed orator G. W. of N. in the County of N. yeoman. That whereas W. W. deceaſed father vnto your ſaid Orator was in his life time lawfully ſeiſed in his demeſne as of fee, of, and in the manor and Capitall meſſuage of N. in the County of N. and of, and in one farme ſet lying and being within the pariſh of W. in the ſaid County of N. & of diuers other lands, tenements, & hereditaments in N. aforeſaid. And alſo whereas the ſaid W. W. deceaſed Sect. 110.

was

was likewise in his life time lawfully seised in his demesne as of fee of, & in certaine ground, and one tenement with the appurtenances, set lying and being within the parish of C. in the Countie of D. and also of, and in the rectorie and personage of C. alias C. within the said County of D. and of diuers other landes, and tenements, set lying and being in the countie of N. and D. and he so being of the said landes and tenements seised, did by his last Will and Testament in writing, deuise and bequeath vnto your said humble Orator, and to the heires males of his bodie lawfully begotten, certaine parcels of land, of, and in the saide Manor of N. that is to say, one mansion house wherein your said poore Orator now inhabiteth and dwelleth, one close commonly called B. containing by estimation, two acres or thereaboutes, one other close commonly called C. containing by estimatiō two acres or therabouts, one other close commonly called the vpper S. all which seuerall parcels of land are scituate, lying, and being in N. as is aforesaid, in the foresaid Countie of N. one messuage or tenement commonly called by the name of an organg, scituate and being in W. in the said County of N. and also one tenement called the N. scituate, lying, and being in the Countie of D. and also one lease of the rectorie, and personage of C. in the County of D. by vertue & force of which said deuise, and bequeath, your said humble Orator entered into the said premisses, and the saide issues and profits of the same hath perceiued, receiued, and taken to his owne profit, vse and behoofe, as lawfull was for himselfe to doe, as he verely beleeueth. But now so it is, if it may please your honorable good Lordship, that one R. W. brother to your said humble Orator, as sonne and heire apparant to the said W. W. his father deceased, hath taken away, concealed and cancelled, as it is thought, the said last Will and Testament of your said Orators father, and hath taken vpon him the administration of all the goods and chattels, of your said Orators father reiecting and disanulling the said last Will and Testament made by your said Orators father as aforesaid, to thintent only & therby of set purpose, malice, and vnbrotherlike dealing, to defraud, expell, depriue, and disinherit your said Orator of his right, title, and interest of, and in the said lands deuised to him as aforesaid, and also doth threaten your foresaid Orator, that he may at his pleasure relinquish and disanul the beforesaid last Will and Testament made by your foresaid Orators father as is aforesaid, and did take the administration of all your said Orators fathers goods, and chattels, and entred into all his said landes, as is aforesaid, contrarie vnto all right, equity, and good conscience, and not christianlike but vnbrotherlike dealing, and contrarie to the true intent and good meaning of your foresaid Orators Fathers Will, made as is aforesaid, vnlesse your good Lordship doe according vnto your accustomed

cuſtomed goodneſſe, extend your clemency, and pitty in that behalfe to your poore Oratoꝛ. In conſideration whereof the pꝛemiſſes conſideꝛed, and foꝛ as much as the title of your ſaid Oratoꝛ, by reaſon of the vndirect pꝛactiſe vſed as afoꝛeſaid, in concealing, cancelling, and relinquiſhing the ſaid laſt Will, as afoꝛeſaid, doth greatly depend vpon the witneſſe and teſtimony of certaine perſons dwelling within the County of N. to pꝛoue the true meaning of your ſaid oꝛatoꝛs fathers Will, which are of great yeares, and alſo very impotent, not like long to liue, noꝛ yet able to trauell to this honoꝛable Court to be examined foꝛ the teſtifying of the trueth, touching the pꝛemiſſes, as by common oꝛder appertaineth. And alſo foꝛ that in time the ſaid witneſſes may die, and by meanes thereof your ſaid Oratoꝛ may be in danger to ſuſtaine diſinheriſon of the pꝛemiſſes. May it thereforꝛe pleaſe your good Loꝛdſhip to grant the Queens, &c.

A Bill for refuſing to receiue the Plaintifes rent according to an order, and taking of forfeiture of a bonde made for payment of the rent.

A HUmbly complaining, ſheweth to your good Lo. your daily Oꝛatoꝛ I. T. of G. in the County of N. yeoman, that whereas one I. K. of W. in the County of Yoꝛke Miller, pꝛetended as in the right of his wife to be owner of a certaine meſſuage in E. in the County of N. afoꝛeſaid, and of certaine land, meadow, and paſture thereunto belonging, and lying within the fields of E. afoꝛeſaid, and the ſaid I. K. ſo pꝛetẽding himſelfe in the right of his ſaid wife to be ſeiſed as is afoꝛeſaid about the 19. oꝛ 20. yeare of the Queenes Maieſties moſt gratious Raigne, that now is, did demiſe the ſaid meſſuage and land in E. afoꝛeſaid vnto your ſaid Oꝛatoꝛ, and one A. L. Gentleman to haue and to hold to them foꝛ the terme of 21. yeares from the time of the making thereof, rendering thereforꝛe yeerely the rent of xx. ſ. payable at Whitſontide and Martinmas by euen poꝛtions, foꝛ the payment of which ſaid rent of xx. ſ. he the ſaid K. knowing himſelfe the title thereof to be queſtionable, and likely to grow to ſome charges in law to your ſaid Oꝛatoꝛ to defend, did thereforꝛe cunningly get your ſaide Oꝛatoꝛ to become bound in an obligaton of xx. K. foꝛ the yearely paiment of the ſaid rent accoꝛdingly vnto him the ſaid K. after which leaſe and bond ſo made, as afoꝛeſaid, and alſo immediatly after your ſaid Oꝛatoꝛs entrie into the ſame, the title thereof was ſo defended againſt your ſaid Oꝛatoꝛ, by ſuch as claimed the ſame againſt him the ſaide K. as that the charges thereof ſpent about the recouering thereof, did ſtand your ſaid Oꝛatoꝛ in aboue twenty nobles, beſides the great trauaile and loſſe of time that your ſaid Oꝛatoꝛ ſuſtained thereby, being yet altogether vnrecompenced at the ſaid K. hands, although he often pꝛomiſed to haue ſome conſideration

Sect. III.

ſideration thereof towards your ſaid Oratoꝛ. And whereas alſo ſince and immediatly after that time, he the ſaid I.K. likewiſe in the right of his ſaid wife pretended to haue right vnto certaine copihold lands lying in the pariſh of C. afoꝛeſaid, then being in the occupation of your ſaid Oratoꝛ and other perſons, foꝛ the triall whereof, there being certaine actions depending in the copihold Court at Southwell, it was notwithſtanding befoꝛe the triall thereof, aſwell by the conſent of the ſaid K. of the one party, as alſo by the aſſent of your ſaid Oratoꝛ, & the defendant on the other party, referred to the oꝛder and arbitrement of one P. K. and I.B. Eſquires, that they ſhould oꝛder and determine, aſwell the right, as the poſſeſſion of the ſaid copihold landes ſo then in queſtion, which ſaid P.K. and I.B. Eſquires, being willing the controuerſies, might haue a good and finall end, and yet themſelues hauing then no good oppoꝛtunity to attend the ſame, did theꝛefoꝛe entreate aſwell the ſaid I.K. as alſo your ſaid Oratoꝛ and the other, that it might ſtande with their likings, that one H.C. and H.W. of H. foꝛ that they were beter acquainted with the intereſt of both the parties, might theꝛefoꝛe oꝛder and make an ende thereof in all points, as ſhould ſeeme good vnto them, whereunto aſwell the ſaid K. as alſo your ſaid Oratoꝛ, with the reſt agreed, promiſing to perfoꝛme any ſuch oꝛder as they the ſaid C. and W. ſhould in that behalfe make and agree vpon: Whereupon the ſaid H.C. and the ſaid H.W. taking vpon them the ſaid arbitrement, did thus, oꝛ to the like effect, oꝛder, agree, and publiſh their oꝛder and award, that your ſaid Oratoꝛ ſhould ſtil enioy and continue his poſſeſſion of the ſaid copihold lands, foꝛ, and during ſo long time as the wife of the ſaid K. ſhould liue, paying yearely foꝛ the ſaid copihold land vnto the ſaid K. foure ſhillings rent, and foꝛ that he the ſaid K. receiued alſo an other rent of xx. ſhillings by the yeare, at two ſeuerall times of your ſaid Oratoꝛ, foꝛ the freehold land afoꝛeſaid, they the ſaid arbitratoꝛs, foꝛ the moꝛe eaſe and certainty of him the ſaid K. did further oꝛder and appoint, that your ſaid Oratoꝛ ſhould alſo pay the ſaid foure ſhillings rent foꝛ the copihold land, at the ſame time that the other rent foꝛ the freehold was vſed to be paid, which was at Whitſontide and Martinmas, ſo that from thenceforth, he your ſaid Oratoꝛ ſhould yearly pay at the daies afoꝛeſaid, the whole and intire ſumme of xii. ſhillings at euery of the ſaid feaſts. And alſo foꝛ that the ſaid arbitratoꝛs did well foꝛeſee, that the ſaid intire payment of xii. ſhillings at one day and inſtant, could not conueniently be paide on the ſeuerall landes, out of the which they in trueth and law were ſeuerally iſſuing, foꝛ that the ſaide freehold and copihold land be diſtant in ſeuerall places, theꝛefoꝛe the ſaid Arbitratoꝛs, foꝛ the moꝛe eaſe and certainetie of him the ſaid K. did oꝛder and appoint, that your ſaid Oratoꝛ ſhould yearely at the daies afoꝛeſaid,

afozeſaid, oz within xiiii. daies after euery of them, pay the ſaid rent of xii. ſhillings at the houſe of one W.W. of M. being a friends houſe of him the ſaid K. and alſo farre neerer vnto the ſaid K. his dwellings, then the land it ſelfe is, vnto which ſaid ozder and Arbitrement, he the ſaid K. together with your ſaid Ozatoz did willingly agree and condiſcend: And ſo foz the ſpace of ſeuen oz eight yeares laſt paſt, the ſaid K. hath alwaies receiued his rent, accozdingly, at the houſe of the ſaid W. W. of M. afozeſaid: Notwithſtanding ſo it is if it may pleaſe your good Lozdſhip, that the ſaid I.K. meaning as it ſeemeth, not onely contrary to the ſaid ozder and award, but alſo contrary to all right, equitie, and good conſcience, ſubtilly and extreamely to take aduantage of your ſaid Ozatozs bond of xx. pound, hath refuſed to receiue your ſaid Ozatozs laſt Whitſontides rent, readie foz him at the ſaid W. houſe in M. afozeſaid, accozding to the ſaid ozder and award therein made, as afozeſaid: May it therefoze pleaſe your good &c.

A Bill for payment for cattell ſold, without preſent money, or eſpecialties, byreaſon of truſt repoſed in the vendee.

A HUmbly complaining ſheweth vnto your good L. your daily Ozatoz W.B. of B. in the county of N. Butcher, That whereas your ſaid Ozatoz about fiue oz ſeuen yeares now laſt, ſold and deliuered vnto one R.W. of the ſame Towne and Countie Butcher, fiue Steares, and fiue Oxen, being all fat cattell, foz the pzice of xl.l. and x.s. which ſaid ſumme of xl.l. and x.s. the ſaid R.W. then faithfully pzomiſed to pay vnto your ſaid Ozatoz within a ſhozt ſpace then after, and now long ſithence paſt, oz elſe when your ſaid Ozatoz would require & demaunde the ſame of him the ſaid R.W. of which ſaid bargaine and ſecurity foz the ſaid money, your ſaid Ozatoz was then the leſſe carefull, foz that your ſaid Ozatoz not long befoze, had been ſeruant vnto the ſaid R.W. and foz that the ſaid W. had been maſter vnto your ſaid Ozatoz, therefoze your ſaid Ozatoz did truſt him the ſaid W. ſo well, as that he neither tooke any ſpecialty oz ſecurity of him the ſaid W. foz the ſaid ſum of xl.l. & x.s. noz pzouided any witneſſes to be pzeſēt & to teſtify the ſame bargaine & cōtract betwixt them, but only pziuatly betwixt themſelues contracted the ſame. And likewiſe your ſaid Ozatoz pziuatly deliuered the ſaid fiue Steares & fiue Oxen, vnto him the ſaid R. W. vpon truſt, and perfozmance of his pziuate ſpeech, & pzomiſe of paiment thereof as afozeſaid, whereupon the ſaid R.W. then pzeſently receiued the ſaid fiue Steares and fiue Oxen, at your ſaid Ozatozs hands, & did pzeſently afterwards conuert the ſame to his owne pzoper vſe and benefit: befoze the money paid by him the ſaid W. vnto your ſaid Ozatoz foz the ſame, &c. May it therefoze pleaſe your honozable Lozdſhip, &c. Sect. 112.

A

A Reioinder.

Sect. 113. THe said defendant reioyneth and saith in all and euery thing and things, as he in his said answere hath made, and doth and will auerre, iustifie, maintaine, and proue the same answere, and all and euery thing and things, clause, sentence, article, and allegation therein contained, to be good, iust, and true, certaine, and sufficient in the law to be replied vnto, in such sort, manner, and forme, as the same beene therein most truly set forth and declared. And this defendant further saith, that the said Replication of the said complainant is very incertain, vntrue, & insufficient in the law to be reioyned vnto by this defendant, for diuers apparant faults & imperfections, therin contained. And ỹ the same is so contriued & made, by the said cõplainant for the causes in the said answere expressed, and to the end to giue some further colour, or rather shadow for the maintenance of the said bill without cause in this honorable court, to the vniust veration of this defendãt, as may appeare, for that, she the said complainant, by the sinister meanes of one T.Y. who as it is said, procureth and soliciteth the same suit for the said complainant against this defendant, hath without all order, as he is informed, caused him being a plaine simple vnlearned man, to become bounden by obligation, for the proceeding in the said suit of this defendant and with such condition whereof this defendant is vtterly ignorant, of all which this defendant hopeth this honorable Court will haue due consideration for the punishing of such lewde and indirect courses and actions therein vsed. And without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said replication contained materiall or effectuall in the lawe to be reioyned vnto by this defendant, & not here in this his reioinder sufficiently reioined vnto, confessed, and auoided, denied, or trauersed, is true. All which matters this defendant is readie to auerre, and proue as this honorable Court shall award, and therefore praieth as he before in his said answere hath praied. A

A Bill vpon putting one to seruice with promise that the seruant shall serue truely, and that the defendant will satisfie all damages, which shall happen to the Maister by the same seruant, &c.

Sect. 114. HUmbly complaining sheweth vnto your honorable Lordship C.T of the town of Y. in the County of N. gentleman, That whereas S.N. daughter of A.S. of the Towne of A. in the Countie of Yorke, about two yeares now last past, being desirous to serue your said Orator, and his wife then dwelling at Rotheram, at an Inne there, called the signe of the Angell in the said Countie of Yorke, was entertained into their seruice at, and vpon the further entreatie of the said S.A. and A

vpon

vpon her faithfull promiſe vnto the ſaid Orator then giuen, and made, that the ſaid M. her daughter ſhould during the time of her ſeruice and abode with your ſaid Orator, honeſtly, faithfully, and truely behaeu her ſelfe and ſerue your ſaid Orator and his wife, in all lawfull buſineſſe, and that if any loſſe or preiudice ſhould befall vnto your ſaid Orator thorough either negligence, default, or abuſe of the foreſaid M. in any reſpect, that then the ſaid A. would vpon notice to her giuen in that behalfe by your ſaid Orator of ſuch loſſe and detriment in that behalfe ſuſtained, ſatisfie and recompence your ſaid Orator for the ſame to the vttermoſt value thereof. By reaſon whereof your foreſaid Orator entertained and receiued the foreſaid M. into his ſeruice, as is aforeſaid. And thereupon the wife of your ſaid Orator deliuered vnto the ſaid M. to her onely charge and cuſtodie, many and ſundry parcels of plate, linnen, and alſo other neceſſarie things, for your foreſaid Orators behalfe. In which ſaid ſeruice the ſaid M. remained with your ſaid Orator by the ſpace of one whole yeare then next following. Now ſo it is, if it may pleaſe your ſaid honorable Lordſhip, during the time of the abode of the foreſaid M. in ſeruice with your ſaid Orator as is aforeſaid, The foreſaid M. did not onely ſecretly and priuily deliuer vnto the foreſaid A. S. her mother, diuers of the ſaid parcels of plate, linnen, and other vtenſils of your ſaid Orators, to the full value of twentie markes, or thereabouts, to, and for the vſe and behalfe of the ſaid A. But alſo during the ſaid time, conuerted ſundrie other parcels of goods, and ſums of money receiued of gueſtes that reſorted to the ſaid houſe, appertaining to your ſaid Orator, vnto the onely vſe and benefit of the ſaid M. her ſelfe. By meanes whereof your ſaid Orator was greatly preiudiced, and hindred to his loſſe of 30. or 40. pounds, or thereabouts, vpon which occaſions your ſaid Orator was enforced to put the ſaid M. forth of his ſeruice. And although your ſaid Orator hath diuerſe and ſundrie times heretofore notified, & made knowen vnto the ſaid A. the loſſe and hinderance, by her ſuſtained, as is aforeſaid, by & thorough the negligence default, and abuſe of the ſaid M. as is aforeſaid, and hath required recompence and ſatisfaction for the ſaid goods ſo deliuered and conuerted to the vſe of the ſaid A. and M. as is aforeſaid, according to the promiſe of the ſaid A. made to your ſaid Orator vpon the entertaining of the ſaid M. into his ſeruice as is aforeſaid, yet the ſaid A. the ſame to doe hath heretofore refuſed and denied, and ſtill doth refuſe & denie to do, contrarie to her promiſe & aſſumption aforeſaid, & againſt all right, equity and conſcience. In conſideration whereof, and foraſmuch as your ſaid Orator is not able to make any due proofe, neither of the certainty or quantity of the plate, linnen, and other goods ſo ſecretly deliuered to the ſaid A. by M. during the time of her ſeruice, as is aforeſaide, or of the ſaide

other goods, conuerted by the said M. to her own vse, as is afore said, nor of the promise made by the said A. vnto your said Orator vpon the retaining of ỹ said M. into his seruice as is afore said, by reason the same was in secret betwene thẽselues without calling any other to witnes ỹ same, whereby your said orator, by the strict rule and course of the common lawes of this Realme, hath no ordinarie meanes for recouery of the same, but onely by suite before your honorable Lordship in the Queens Maiesties high Court of Chancery, by the oathes of the said A. and M. in whose priuities all the premisses principally lie and whom your Orator thinketh vpon their said oathes, wil reueile and manifest the truth, and circumstance of the same, the premisses considered, May it therefore please your good Lordship to graunt vnto your said Orator the Queenes Maiesties most gratious writ of Subpena to be directed to the said A. and M. and either of them, commaunding them thereby, not onely to appeare before your hono^r in the Queenes Maiesties high Court of Chancerie, at a certaine day, and vnder a certaine paine therein to be limitted and assessed, then and there to answere to the said premisses, But also to stand to, and abide such further order and direction therein, as to your H. wisedome shall be thought fit and conuenient, and your said Orator shall daily pray vnto God for the long continuance of your H. in health and prosperitie.

The ioint and seuerall answeres, of A.S. and M.S. defendants to the bill of complaint of C.T. complainant.

Sect. 116. THe said defendants say, and either of them, for himselfe seuerally A saith, that the said bil of complaint against them exhibited into this honorable court, is very vncertaine, vntrue, and insufficient in the lawe to be answered vnto by the said defendants, or either of them, for diuers manifest and apparant faults and imperfections therein contained, and deuised, and exhibited into this honorable court of meere mallice and enuie, onely to the intent, not onely to vexe and trouble the defendants, being verie vnable and vnmete vpon the sudden with long and tedious iorneis to make their personall apparances in this H. court, being aboue one hundred and twenty miles distant from the towne of A. in the countie of M. where these defendants now dwell, but also to wearie the defendants in such sort, that they might extort & wring from these defendants some consideration for the stay of the foresaid suit, be it neuer so vntrue, & without any iust cause or colour of cause so to do, neuertheles if these defendants shal by ỹ order of this honorable court be compelled to make any further, or other answer to the said vncertain, & insufficient bil of complaint, then the aduantage of exception to the manifest incertaintie and insufficiencie of the same bill of complaint to these defendants,

and

and either of them at all times hereafter ſaued, for anſwere thereunto, and for a manifeſt declaration of the trueth, touching the contents of the ſame bill, theſe defendants ſay, and either of them, for himſelfe ſeuerally ſaith, that about the time mentioned in the ſaid bill of complaint, the ſaid M. St. the other of theſe defendants was entertained to ſerue the ſaid complainant & his wife for the terme of one yeare next enſuing the time of ſuch her reteiner, for xvi.ſ. wages for the ſame yeare, without the knowledge of the ſaid A. St. the other of theſe defendants, vntil that ſhe the ſaid M. was ſo with them retained. And theſe defendants further ſay, that by vertue of the ſame retainer, the ſaid M. did honeſtly, faithfully, and truely behaue her ſelfe, & did ſerue the ſaid complainant and his ſaid wife in all lawfull buſines accordingly, during all the ſaid yeare, and that to her knowledge no loſſe nor preiudice did befall vnto the ſaid complainant through the negligence, default or abuſe of the ſaid M. in any reſpect during the ſame yeare. And that in the ende thereof ſhe departed from them with their fauour & goodwill, at her owne requeſt, without that, that ſhe the ſaid M. was entertained in their ſaid ſeruice, at & vpon the entreatie of the ſaid A. S. and vpon her faithfull promiſe vnto the ſaid complainant then giuen & made, that the ſaid M. her ſaid daughter ſhould during the time of her ſeruice & abode with the ſaid complainant honeſtly, faithfully, & truely behaue her ſelfe, ſeruing him and his ſaid wife in all lawfull buſineſſes, and that if any loſſe or preiudice ſhould befall vnto the ſaid complainant through the negligēce or abuſe of her the ſaid M. in any reſpect, that then ſhe the ſaid A. St. vpon notice to her giuen by the ſaid complainant of ſuch loſſe and detriment in that behalfe ſuſtained, would ſatiſfie and recompence the ſaid complainant, for the ſame to the vttermoſt value thereof, or that by reaſon thereof the ſame complainant entertained and receiued M. in his ſaide ſeruice, as in the ſaide bill it is vntruely alleaged. And the ſaid defendants further ſay, that albeit ſhe the ſaid A. S. had made vnto the ſaid complainant any ſuch promiſe as he in his bill of complaint ſuppoſeth (as in very trueth ſhe did not) yet were the ſame promiſe voide in law, and of no validitie or force to bind her thereby, for that the ſaid A. at the time of the ſaid ſurmiſed promiſe was couert with I. S. her huſband. And without that, that vpon ſuch promiſe the ſaid wife of the ſaid cōplainant deliuered vnto ỹ ſaid M. to her charge and cuſtodie many parcels of linnen, and other neceſſarie things, and furniture for the ſaid complainant his behalfe in any other maner then, as to euery other ordinarie ſeruant in the ſame houſe in the like caſe, without taking vpon her any ſpeciall charge for the keeping thereof, as in the ſaid bill of complaint it is verie vntruely alleaged, and without that, that during the ſame time of the ſaide abode of her the

ſaid M. in ſeruice with the ſaid complainant, as afoꝛeſaid, the ſaid M. did either ſecretly deliuer vnto the ſaid A.S. her ſaid mother diuers oꝛ any of the ſaid parcels of plate, linnen, and other goods, foꝛ the vſe and behoofe of the ſaid A.S. oꝛ during the ſaid terme conuerted ſundꝛie oꝛ anie other parcels of goods and ſummes of money receiued of gueſtes that reſoꝛted to the ſaid houſe, appertaining to the ſaid complainant, vnto the vſe and benefit of the ſaid M. her ſelfe, by meanes whereof the ſaid complainant was greatly pꝛeiudiced and hindered, to the loſſe of 30. oꝛ 40. l. oꝛ thereabouts, oꝛ that vpon ſuch occaſions the ſaid complainant was enfoꝛced to put the ſaid M. from his ſeruice, foꝛ that the ſaid complainant hath diuerſe and ſundꝛie times heretofoꝛe notified and made known vnto the ſaid A. the loſſe & hurt he ſuſtained, as is afoꝛeſaid by, & thꝛough the negligence, default, & abuſe of the ſaid M. as is afoꝛeſaid, and required recompence and ſatiſfaction foꝛ the ſaid goods ſo ſuppoſed to be deliuered, and conuerted to the vſe of the ſaid A. and M. as is afoꝛeſaid, as in the ſaid bill of complaint is moſt vntruly alleaged. And without that, that any other matter, thing, oꝛ things, clauſe, ſentence, article, oꝛ allegation in the ſaid bill of complaint contained materiall, oꝛ effectual, in the law to be anſwered vnto by theſe defendãts, oꝛ either of them, and not herein in their anſwere ſufficiently anſwered vnto, confeſſed, and auoided, denied, oꝛ trauerſed, is true, all which matters theſe defendants and either of them, are readie to auerre and pꝛoue as this honoꝛable Court ſhal award, and thereforꝛe they pꝛay to be diſmiſſed out of the ſame court, with their reaſonable coſts and charges in this behalf wꝛongfully and without cauſe ſuſtained.

The Replication to the ſame Anſwere.

Sect. 116. The ſaid complainant ſauing to himſelfe all aduantages of exception to the incertainties and inſufficiency of the ſaid defendants anſweres, foꝛ replication ſaith as he beforꝛe by his ſaid bil hath ſaid, and doth, and wil auerre, iuſtifie, and maintaine his ſaid bill, & all and euerie thing and things therein contained to be good, iuſt, and true in ſuch ſoꝛt manner and foꝛme, as in and by the ſame is moſt truely ſet foꝛth and declared. And that the anſweres of the ſaid defendants are vncertaine, vntrue, and inſufficiẽt in the law to be replied vnto foꝛ diuers vntruths and imperfections therein conteined, without that, that the ſaid M. one of the ſaid defendants did honeſtly, faithfully, and truely behaue her ſelfe in the ſeruice of the ſaid complainant as by the ſame defendants in their ſaid aunſweres is vntruely alleaged, foꝛ this ſaide complainant ſaith, as he beforꝛe by his ſaide Bill hath ſaid, that the ſaid M. one of the ſaide defendantes did ſecretly deliuer to the ſaide A. the other defendant diuers parcels of the goods of the ſaide complainant, that A

the

the ſaid defendants moſt wrongfully detaine and withhold from him the ſaid complainant againſt right and equitie, and further the ſaid complainant ſaith, and will auerre and proue, that the ſaid A. one of the ſaid defendants, did giue her faithfull promiſe to ſatiſfie and pay vnto the ſaid complainant the vttermoſt value of euery loſſe, or hinderance the ſaid complainant ſhould ſuſtaine by the ſaid M. as by his bill is moſt truly ſet forth & declared, without that, that any other matter, or thing in the ſaid defendants anſwere contained materiall or effectuall, to be replied vnto, in, and hereby not ſufficiently replied vnto is true. All which matters the ſaid complainant is readie to auerre and proue, as this honorable court ſhall award. And praieth as he before by his ſaid bill hath praied.

A Bill for entring into and detaining copihold lands ſold by the defendant to the plaintifes grandfather, which deſcended to the plaintife being an infant, the ſaid entrie being made by reaſon that the copy and court rolle of the ſaid bargaine came to the defendants hands.

A HVmbly complaining, ſheweth vnto your Lordſhip, your daily Oratour F.H. of W. in the countie of Yorke gentleman, that whereas about the xviiii. day of September in the third yeare of the raigne of the late King of famous memory Edward the firſt, one Chriſtopher Barter late of F. in the ſaid Countie huſbandman, was lawfully and rightfully ſeiſed in his demeſne as of fee, as a copiholder, according to the cuſtome of the Manor of the prebend of Laghton, it the ſaid Countie, of and in one cuſtomarie meſſuage or tenement, and one organge of land, with thappurtenances in F. aforeſaid: and in another meſſuage or tenement, and thirtie acres and a halfe of land with thappurtenances in F. aforeſaid, and he being thereof ſo ſeiſed about the time aforeſaid, for a certaine great ſumme of money to him paid by F.H. of W. aforeſaid, grandfather of your ſaid Orator did ſurrender according to the cuſtome of the ſaid Manor, the ſaid cuſtomarie tenements and premiſſes with thappurtenances into the hands of the then Lords of the ſaid Manor, to the vſe of the ſaid F.H. the grandfather & his heires for euer, by force whereof the ſaid F.H. the grandfather was thereof admitted tenant accordingly, and was of the ſame, as a copiholder lawfully ſeiſed in his demeſne as of fee, by, and according to the cuſtome of the ſaid Manor, and the rents, iſſues and profits thereof ariſing and growing, did likewiſe lawfully take & conuert to his owne vſe, by the ſpace of diuers yeares, and afterwards the ſaid F.H. the grandfather being thereof ſo ſeiſed of the ſaid tenements and premiſſes, died thereof ſo ſeiſed, about the ſecond yeare of the raigne of the Queenes moſt excellent Maieſtie that now is. By and after whoſe death the ſaid tene- Sect. 117.

ments and premisses discended and came, and of right ought to discend and come vnto your said Orator being then of very young and tender yeares, viz. about the age of sixe yeares, as next cosin & next heire vnto the said F.H. the grandfather, that is to say, sonn of T.H. sonne & heire of the said F.H. the grandfather, but now so it is, if it may please your good L. that after the death of the said F.H. the grandfather, all the copies of Court rols of the said manor, and the very Court rols themselues concerning the premisses, did by casuall meanes come vnto the handes, custody, & possession of the said C.B. & one T.G. of T. in the said county husbandman, or to the hands of one of them, which they or the one of them haue cancelled & defaced, intending thereby vtterly to disinherite your said Orator of the same tenements & premisses, & by colour therof shortly after the death of the said F.H. the grandfather, ỳ said C.B. did wrongfully abate and enter into the said tenements and premisses. And euer since his said wrongfull entre, that is to say, by the space of xviiii. yeares or thereabouts, hath wrongfully occupied the premisses or the most part therof, and receiued vnd taken, and conuerted to his owne vse, the rents, issues, and profits of the said tenements & premisses, and will not by any meanes permit or suffer your said Orator to enter, meddle, or haue to do therewith. And notwithstanding that your said Orator not onely by himselfe, but also by his friends, hath in gentle and quiet manner, diuerse times come vnto the said C. & T. gently requiring thē to deliuer vnto him your said orator, ỳ said copies of court rols, & to make reasonable recompence & satisfaction vnto him your said Orator for the rents, issues, & profits of the said tenements & premisses, so as is afore-said by the said C. wrongfully receiued according to your said Orator his good right & title therunto, yet that to do, they & either of them haue euer hitherto refused & denied, & yet do refuse and denie to doe the same against all right, equity, and good conscience, and to the disinheritson of your said orator, of, & in the premisses, & to his great losse & hinderance, if speedy remedy be not by your good Lordship in this honorable court speedily prouided to preuent the same. In tender consideration wherof, and for so much as your said Orator, not knowing the certain number, dates, or contents of the said copies and Court rols, nor wherein they or any of them be conteined, in bagge, bore, or chest, locked, sealed or open, is therefore without all remedy by the due course of the common lawes of this Realme to recouer the same, and for lacke thereof your said Orator is very like to lose the said tenements and premisses, and for that also, that the contents of the said bargaine and surrender of the said tenements and premisses, so as is aforesaid, made betweene the said F.H. grandfather, and the said C.B. cannot now otherwise be proued then by answere of the said C.B. and T.G. made vpon their Oathes in this

honorable

honorable Court, all ſuch perſons as were witneſſes of the ſame bargaine, being now either dead, or elſe vtterly vnknowen vnto your ſaid Orator being ſo young, as it is aforeſaid, at the time of the making of the ſame. May it pleaſe your honorable Lordſhip to grant vnto your ſaid Orator the Queenes Maieſties moſt gratious writ of Subpena, to be directed vnto the ſaid C. and C. ſtraightly commaunding them and either of them, at a certaine day and vnder a certaine paine therein to be limited, to appeare before your Lordſhip in her Maieſties high court of Chancery, then and there to anſwere to the premiſſes, and to abide ſuch order and direction therein, as to your Lordſhip ſhal ſeeme to ſtand with right, equitie, and good conſcience, and your ſaid Orator ſhall daily pray to Almightie God for your honour in good health long to continue, &c.

A Bill by the husband and wife, as Gardeins to her childe for euidences.

A IN moſt humble wiſe complaining ſheweth vnto your good Lordſhip, your poore and daily Orator I. W. of B. in the Countie of D. yeoman, and I. his wife late the wife of I. S. the elder of B. aforeſaid yeoman now deceaſed. That where the ſaid I. S. in his life time was lawfully ſeiſed in his demeſne, as of fee, of, and in one meſſuage or tenement, commonly called H. & of and, in certaine lands, meadow and paſture, and other hereditaments with thappurtenances to the ſaid tenement belonging, and with the ſame vſually occupied, ſcituate, lying and being in B. aforeſaid. And he the ſaid I. S. being of the premiſſes ſo ſeiſed did in his life time conuey and aſſure the ſame vnto certaine perſons, and their heires, to the vſe of the ſaid I. and of the ſaid I. then his wife, and of the longer liuer of them, without impeachment of waſte. And after their diſeaſes, to the vſe of the heires of their two bodies lawfully begotten, with diuers remainders ouer, by force whereof the ſaid I. S. and the ſaid I. then his wife, were thereof ſeiſed accordingly, And ſo ſeiſed, the ſaid I. S. about three yeares now laſt paſt, died ſeiſed of ſuch eſtate, as aforeſaid, hauing iſſue betweene him and the ſaid I. one I. S. an infant of the age of two yeares or therabouts. After whoſe death the ſaid I held her ſelfe in the ſaid meſſuages and lands, and was thereof ſeiſed accordingly. And ſo ſeiſed tooke to huſband the ſaid I. W. the other of your ſaid Orators, by force of which entermariage the ſaid I. W. and the ſaid I. were lawfully ſeiſed of the premiſſes, as in the right of the ſaid I. And your ſaid Orators haue alſo the cuſtody of the ſaid I. S. the infant, rightly belonging to the ſaid I. his mother as gardeine in Socage. Now ſo it is, if it may pleaſe your good Lordſhippe, that certaine deedes, euidences, and writings, touching Sect. 118.

and concerning the premisses, and of right belonging to your said Orators, and the said infant, or to the one of them, are casually come to to the hands and possessions of T.C. of B. aforesaid, and I. S. of H. being kinsman vnto the said I.S. of B. the elder deceased, who by colour of hauing the said deeds, euidences, and writings, haue wrongfully entred into the premisses with thappurtenances, and thereupon haue contriued certain secret estates vnto diuers persons vnknowen to your said Orators, and by colour thereof, they the said T.C. and I.S. of H. or the one of them of late time hath wrongfully entred into the premisses, and hath receiued and taken the issues and profits of the premisses, or some part thereof, from your said Orators, and although your said Orators haue diuers and sundrie times gently requested the saide T.C. and I.S. of H. to permit and suffer your said Orators quietly to haue and enioy the same premisses, and to deliuer vnto your said Orators the said deeds, euidences, and writings, touching and concerning the premisses, and which of right doe belong and appertaine vnto your said Orators, and to the said I.S. the infant, yet they the same to doe haue hitherto refused, and yet doe refuse contrarie to all right, equity, and good conscience, which is likely to turne, not only to the losse and hinderance of your said Orators, But also to the preiudice and disinheritance of the said infant, if speedie redresse herein be not had by your good Lordship, in consideration whereof, and forasmuch as your said Orators doe not know the certaintie, nor certaine number of the said deedes, euidences, writings, nor whether the same be contained in bagge or boxe, sealed, or in chest locked, and so your said Orators, and the said infant are without any ordinary remedie for the recouerie of the same by the common lawes of this Realme, And for that your said Orators do hope that the same C. and S. will vpon their Oathes in this honorable Court, confesse the certainty and trueth therein, where the said euidences are to be had, or to whom they haue deliuered the same. May it therefore please your good Lordship, the premisses considered, to grant vnto your said Orators the Queenes Maiesties, &c.

The Answere of the same.

Sect. 119. The said defendants say, and euery of them seuerally saith, that the said bill of complaint is verie vncertaine, vntrue and insufficient A in the law, to be answered vnto for diuers manifest defaults and imperfections therein contained, and framed, and exhibited into this honorable Court, as these defendants verely thinke of malice and euill will, to the intent to put these defendants to great trauaile, charges and expences to make their personall appearance in this honorable Court, the said defendants dwelling in B. aforesaid, in the saide countie of D. which is fiftie miles distant from the Citie of Westminster, and without

without any iuſt cauſe ſo to doe, and theſe defendants further ſay, that if the ſurmiſed matters contained in the ſaid bil of complaint were true as in very trueth they are not, yet were the ſame determinable, and to be determined by the common lawes of this Realme, and not in this honorable Court, whereunto theſe defendants pray to be diſmiſſed with their reaſonable coſtes, charges, and damages in this behalfe wrongfully and without iuſt cauſe ſuſtained, yet neuertheleſſe, if theſe defendants ſhall be compelled by the order of this Court, to make any further or other anſwere vnto the ſaid vncertaine and inſufficient bill of complaint, then the aduantage of exception to the incertaintie and inſufficiencie thereof to theſe defendants, and either of them at all times here after ſaued, for further anſwere thereunto, and for a full and plaine declaration of the trueth, ſay that they thinke it is true, that the ſaid I. S. was in his life time lawfully ſeiſed in his demeſne as of fee, of, and in the ſaid meſſuage or tenements commonly called the H. and of, and in certaine lands, meadow, and paſture, and other hereditaments with the appurtenances to the ſaid tenements belonging, and with the ſame vſually occupied, ſcituate, lying, and being in B. aforeſaid, as in the ſaid bil of complaint is alleaged, but the ſaid defendãts further ſay, that the ſaid tenements in the ſaid bill of complaint contained, as they verely beleeue, are holden of the right honorable G. Earle of S. of his manor of C. in the ſaid Countie of D. by knightes ſeruice, and by the yearely rents of two ſhillings. And that he being thereof ſo ſeiſed, and the ſaid Earle being alſo ſeiſed in fee, of the ſaid manor, as theſe defendants thinke, died thereof ſo ſeiſed, by, and after whoſe death the ſaid tenements and premiſſes in the ſaid bill mentioned, deſcended and came to the ſaid I. S. the ſonne, as ſonne and heire of the ſaid I. S. deceaſed, who is yet within the age of one and twentie yeares, by meanes wherof the ſaid Earle after the death of the ſaid I. S. the father, as garden of the ſaid I. S. infant, during his minority, by reaſon of the tenure aforeſaid, ſeiſed the bodie of the ſaid I. S. the infant, without that, that to the ſaid defendants knowledge, the ſaid I. S. the father being of the premiſſes ſeiſed in fee, did in his life time conuey and aſſure the ſame premiſſes vnto certaine perſons, and their heires to the vſe of the ſaid I. S. & of the ſaid I. then his wife, & of the longer liuer of either of them, without impeachment of waſt, and after their deceaſe to the vſe of the heires of their two bodies lawfully begotten, with diuers remainders ouer, as in the ſaid bill of complaint is vntruely alleaged, or that to theſe defendants knowledge, by force thereof the ſaid I. S. and the ſaid I. S. then his wife being thereof ſo ſeiſed died thereof ſo ſeiſed, or that to theſe defendants knowledge, after his death the ſaid I. held her ſelfe in the ſaid meſſuages, landes and premiſſes, and was

thereof

thereof ſo ſeiſed accordingly, by force of any ſuch conueiance, or that ſhe being thereof ſo ſeiſed, tooke to huſband the ſaid I. W. or that by force of the ſaide entermariage the ſaide I. W. and the ſaide I. to the knowledge of theſe defendants, were ſo lawfully ſeiſed of the ſaid premiſſes, in the right of the ſaid I. as in the ſaid bill is alleaged. And without that, that to theſe defendants knowledge the ſaid I. W. and I. haue the cuſtodie of the ſaid I. S. the infant rightfully belonging to the ſaid I. as Gardein in Socage, as in the ſaid bill is likewiſe alleaged. And without that, that any deeds, euidences, and writings, touching and concerning the premiſſes, and of right belonging to the ſaid infant, or to one of them, are caſually come to the hands, cuſtody, and poſſeſſion of the ſaid defendants other then ſuch deedes, euidences, and writings, as the ſaid I. did deliuer vnto the ſaid T. S. the one of theſe defendants, which he the ſaid T. about one yeare now laſt paſt, or more, vpon the receipt of the Queenes Maieſties writ of Subpena deliuered to I. L. late of H. Hault in the County of D. Gentleman, to the vſe of the ſaid infant which as he remembreth was done by appointment or agreement of the ſaid I. And then an other old deede or writing without date conteyning theſe words following, or the very like in effect and meaning, viz.

Sciant præſentes & futuꝝ quod ego Io. filius Tho. de B. dedi conceſſ. & hac præſenti charta mea confirmaui Duranto de Toxdwood pro homag', & ſeruitio ſuo, & pro quadam pecuniæ ſumma mihi præ manibus ſoluta, totam terram meam quæ vocatur le Haule cliffe in territorijs de B. cum boſcis, pratis, paſcuis, paſturis & omnibus ſuis pertiñ. ſine aliquo retento, quæ iacet integre in latitud' inꝰ viam quæ ducit verſus B. terram quam L. de L. quondam tenuit, & extendit ſe in longitudiñ de meta de B. vſque ad terram Abbaꝰ de R. & terram quæ fuit A. F. & terram R. de le Scagh, vna cum tota illa terra cum domibus & edificijs in ea ſitis, cum omnibus ſuis pertiñ, quam R. de T. quondam tenuit, quæ iacet integre inter terras, &c. And without that any other matters, &c.

A Bill to be diſcharged of a Recogniſance for the ſauing of landes ſolde harmeleſſe, for that a leaſe made thereof by which he ſeemeth to be dampnified, was either made in truſt or by ſurrender, before the ſaid bargaine, with an anſwere, replication, and reioinder to the ſame bill.

Sect. 120. COmplaining ſheweth vnto your honorable Lordſhip Geor. Earle of Shrowlbury, that whereas Sir W. S. knight Lord H. deceaced, in his life time, about nine yeares now paſt, was lawfully ſeiſed of an eſtate of inheritance amongſt other lands and tenements, of the third A

part

part of the ſcite & manſion houſe of the late diſſolued Abbey, Monaſtery, or Priory of B. in the county of L. and of all and ſinguler meſſuages, houſes, edifices, buildings, orchards, gardens, fiſhings, ponds, lands, tenements, meadowes, paſtures, commons, & hereditaments with the appurtenances to the ſaid ſcite belonging, then late in the occupation of F. S. & afterwards in the occupation of one M. and the ſaid Lord M. being thereof ſo ſeiſed about the xvi. day of December in the vii yeare of the Raigne of our Soueraigne Lady the Queenes Maieſty that now is, of ſpeciall and ſecret truſt & confidence by him the ſaid Lord M. repoſed in one W. S. of M. in the county of S. gentleman, & M. his wife or of one of them, did make an Indenture bearing date the xvi. day of September, in the ſaid vii. yeare of a demiſe of the ſaid third part of the ſaid ſcite, lands, tenements, and hereditaments, with the appurtenances to the ſaid W. S. and M. his wife, to haue & to hold the ſame vnto the ſaid W. S. and M. from the deceaſe of R. T. of S. for and during the terme of xxi. yeares then nert enſuing, as by the ſaid Indenture appeareth. And deliuered the ſaid Indenture to be deliuered as his deed, when the ſaid W. S. had perfourmed certaine conditions & agreements betweene them made, vpon which Indentures made by them, it was neuer intended nor agreed that the ſaid W. S. and M. his wife, or their executors or aſſignes, or any of them, ſhould take any benefit to them: but that the ſame leaſe ſhould be ſurrendred, and at all times diſpoſed at the pleaſure of the ſaid Lord M. by force whereof the ſaid W. S. and M. were poſſeſſed of the intereſt of the ſaid terme accordingly, and being thereof ſo poſſeſſed. And the ſaid L. M. being ſeiſed of the ſaid R. of the third part of theſe tenements & premiſſes of an eſtate of inheritance, afterwards, that is to ſay, the xviii. day of May, in the xii. yeare of the Raigne of our ſaid Soueraigne Lady, the ſaid Lord. M. by Indenture bearing date the ſaid day and yeare, did bargaine and ſell the ſaid third part of the ſaid premiſſes among other things to one I. C. of C. in the county of S. Eſquire, and F. S. of S. in the ſaid County Gentleman, and their heires for euer, by which laſt recited Indenture, the ſaid Lord M. for him and his heires did couenant and grant, to and with the ſaid I. C. and F. S. and either of them, that aſwell the ſaid I. C. and F. S. their heires and aſſignes, as all the ſaid manors, and tenements, by the ſaid Indenture to them bargained and ſold, at the enſealing and deliuery of the ſame Indentures, were diſcharged, eronerated or ſaued harmeleſſe, and from thencefoorth at all times, and from time to time hereafter for euer, ſhould be diſcharged, eronerated, acquited, or ſaued harmeleſſe by the ſaid W. Lord M. his heires, executors or adminiſtrators, of, and from all and ſinguler giftes, grants, leaſes, charges, and incumbrances, had, made, granted or ſuffered in, or to the premiſſes,

or

or any part or parcell thereof, by the said Lord M. or by any other person or persons whatsoeuer, other then the said estate of the said K.S. late Dutchesse of S. and certaine other things, in, and by the said Indenture excepted, as by the said Indenture appeareth. For performance of which couenant of the said Indenture, the said Lord M. Eagle, the second day of June in the said xii. yeare, became bounden vnto the said I.C. and vnto one M.S. of I.L. in the County of B. Esquire, by recognisance knowledged in this high court of Chancery in the summe of two thousand pounds, as thereby appeareth. And shortly afterwards, that is to say, about sixe yeares now last past, the saide K. late D. of S. died and the said I.C. and F.S. entred into the manors, tenements, and premisses with the appurtenances, and were, and yet be thereof seised in their demesnes, as of fee, by force of the said conueyance, and the profits thereof arising and comming to their owne vse tooke, and yet doe quietly so take the same without any interruption, let, or trouble of the said W.S. and M. his wife, and their assignes, and euerie other person or persons according to the couenant, true intent, and meaning of the said Indenture of bargaine & sale, And afterwards, that is to say, about fiue yeares now last past, the said Lord M. for the summe of sixe thousand pounds, or thereabouts, did bargaine and sell to the said Earle and his heires, the manor of B. in the County of Yorke, and diuers other lands and tenements in B. and other places in the said County, by force whereof the said Earle was thereof lawfully seised in his demesne, as of fee, and the issues and profits thereof arising and growing, did quietly take and conuert to his owne vse, from the time of the bargaine, during all the life time of the said Lord M. & W. S. which was by the space of three yeares, after the death of the said Dutchesse or thereabouts. And afterwards, that is to say, about fiue yeares last past, the said M. died, since whose death the said I.C. M.S. F.S. T.H. D. W.M. and I.T. And the said M. late wife of the said W.S. and executrix or administratrix of the said Will, as the saide Earle is informed, by the agreement and priuitie of Ed. Lord Morley, and the Lady Elizabeth his wife, daughter and heire of the saide Lord Mount Eagle, hauing gotten into their hands the said Indenture of demise, albeit that the said T. performed not the conditions and couenants betweene him the said Lord M. amongst themselues, did conceale and frustrate the saide trust reposed by the saide Lord M. in the saide W. S. and M. or the one of them to the intent to extend the saide Recognisance of two thousand pounds, vpon the saide manor of B, And such other lands and tenementes as the saide Earle hath purchased of the said Lord M. contrarie to the good meaning of the said Lord M. contrarie to the great trust and confidence by him reposed

in

in the ſaid W.S. and M. his wife, and the true meaning of the ſaid Indenture of leaſe. And for that purpoſe haue procured the ſaid eſtate and intereſt of the ſaid W.S. and M. of the ſaid third part to be conueied to the ſaid M. to the intent that the ſaid W.M. ſhould enter into the ſaid third part ſo leaſed, as is aforeſaid, to diſturbe the poſſeſſion of the ſaid C. and F.S. which he hath done accordingly, to the intent that therby, the ſaid I.C. & M.S. might haue ſome colour to extend the ſaid Recogniſance of two thouſand pounds againſt ỹ ſaid Earle, notwithſtanding that the ſaid I.C. & F.S. euer ſince the entrie of the ſaid M. haue quietly occupied the ſaid demiſed third part, & yet do quietly occupy the ſame, not hauing had any damage thereby to the value of xii.d. by reaſon of the ſaid leaſe, All which notwithſtanding, if it may pleaſe your good Lordſhip, the ſaid M.S. F.S. and I.C. haue procured execution of the Recogniſance of two thouſand pounds, to be ſued againſt the ſaid Earle by proces out of this honorable Court, according to the forme and effect of the ſaid recogniſance, for that as they ſuppoſe the ſaid third part is charged with the ſaid leaſe thereof made to the ſaid S. and his wife, and aſſigned by the ſaid S. to the ſaid W.M. who by force thereof hath entred into the ſaid third part, and diſturbed the poſſeſſion of the ſaid I.C. and F.S. and their aſſignes, And for that by meanes therof the ſaid manors, lands, and tenements to them bargained and ſold by the ſaid Lord M. in forme aforeſaid, were not ſaued harmeleſſe by the ſaid Lord M. or his heires of, and from all and ſinguler leaſes had, made, or granted of the ſaid manor and other the premiſſes mentioned in the ſaid Indenture of Bargaine and ſale, according to the forme and effect thereof, which ſaid practiſe and compact is much againſt the ſaid truſt and meaning of the ſaid Lord M. repoſed in the ſaid W.S. and M. his wife, and againſt the true meaning of the ſaid Indenture of leaſe & Recogniſance, tending to the great loſſe and damage of the ſaid Earle, and againſt all right, equity, and good conſcience, if the ſaid purpoſe ſhould not by equity and conſideration of this honorable Court be preuented and mette withall: In conſideration wherof, and for ſo much as, aſwell the ſaid truſt touching the ſaid leaſe as the ſaid compact and agreement amongſt the ſaid parties to extend the ſaid Earle his ſaid lands by reaſon of the ſaid Recogniſance by matters ſecretly agreed vpon amongſt themſelues, the ſaid Earle not knowing any witneſſes which were preſent at the making thereof, ſo that the ſaid Earle can very hardly make ſuch proofe in this honorable Court thereof, or of the ſaid conditionall deliuerie of the ſaid Indenture, as is neceſſary in that behalfe, vnleſſe the ſaid parties or ſome of them will confeſſe the ſame in their anſweres vpon their Othes in this honorable Court, as the ſaid Earle verely thinketh they will. And for aſmuch alſo as it is very

likely,

likely, that the saide Lord M. would neuer haue entred into the saide recognisance of two thousand pounds for the performance of the saide couenants of the saide Indenture of bargaine and sale, without making exception therein of the saide lease, if the saide lease of the saide third part before the making of the saide Indenture of bargaine and conueyance, had not beene so deliuered of credit and of trust frustrated or granted ouer to the saide W.M. or some other by the consent and agreement of the saide I.C. and F.S. for their benefit, for the auoiding of new charges growing betwene the making of the saide lease & the saide bargaine. And albeit aswell the other two parts of the saide lands, as all other lands & tenements, with thappurtenances, bargained & sold by the saide Indenture, were & be clearly discharged of al incumbrances, according to the true meaning of the saide Indenture, it may therefore please your good Lordship, the premises cõsidered, to grant vnto the saide Earle the Queenes Maiesties most gracious writ of Subpena to be directed vnto the saide I.C. M. S. E.L. M. and E. his wife C.D. W.M. I.T. & M. commaunding them and euery of them, at a certaine day and place, and vnder a certaine paine therein to be limitted, to be, and personally to appeare before your good Lordship in the Queenes Maiesties high Court of Chancery, then and there to answere vnto the premisses, and to abide such further order and direction therein, as to your honour shall seeme to stand with right, equitie, and good conscience. And the saide Earle, &c.

A Bill for the defendant by meanes of entermariage, with the wife and executrix of one, who by casuall meanes got the possession of one deede of demise indented made vnto the plaintife, detaineth the said demise, and by colour thereof doth occupie the tenements demised, and taketh the profits to his owne vse.

Sect. 121.

IN most humble wise complaining sheweth vnto your good Lo. your daily Orator I.M. of B. in the County of N. That whereas one T.C. of D. within the County of Y. did by his deed Indented of demise, about the fiueteenth yeare of the Raigne of our Soueraigne Ladie the Queenes Maiestie that nowis, demise and grant to your saide Orator, ten acres of land, fiue acres of meadow, and fiue acres of pasture with thappurtenances, lying and being in B. aforesaid: To haue and to hold to your saide Orator and his assignes, for the terme of rri. yeares, from and after a certaine day therein expressed, if the saide T.C. should so long liue, for the yearely rent of rr. shillings, payable at the feast of P. and Saint M. the Bishop in winter, by euen portions. But now so it is, if it may please your good Lordship, that the saide Indenture, the certaine dates or contentes whereof, your saide Lordshippes A

Orator

Oratoꝛ knoweth not, befoꝛe the day when the ſaid leaſe ſhould begin and take effect, did by caſuall meanes come to the hands, cuſtodie, and poſſeſſion of one I. W. who made his laſt Will and Teſtament, and therein appointed one E. then his wife, his ſole executrix and died, by and after whoſe death the ſaid Indenture came into his hands and cuſtodie of the ſaid E. ſince which time the ſaid E. did marie, and tooke to huſband one R. I. of B. by reaſon of which intermariage the ſaid Indenture is now come to, and remaineth in the hands, cuſtodie, and poſſeſſion of the ſaid R. I. and E. his wife, oꝛ of the one of them, who by reaſon of hauing of the ſaid Indenture, without any iuſt title oꝛ intereſt therein, haue entred into the ſaid pꝛemiſſes with thappurtenances, and will not in any wiſe quietly permit and ſuffer your Loꝛdſhips ſaid Oꝛatoꝛ to haue, and inioy his ſaid terme, of, and in the pꝛemiſſes, accoꝛding to his lawfull right and intereſt therein, but contrarie to all equitie, and good conſcience, haue euer ſithence taken and conuerted, and as yet doe daily take and conuert the iſſues to their owne pꝛoper vſe and behoofe, and will neither deliuer vnto your Loꝛdſhips ſaid Oꝛatoꝛ the ſaid Indenture, noꝛ permit and ſuffer him to haue and peaceably enioy the ſaid pꝛemiſſes, as afoꝛeſaid, oꝛ any part thereof, although your ſaid Oꝛatoꝛ hath at diuers & ſundꝛie times required them ſo to doe. In conſideration whereof, and foꝛ as much as your Loꝛdſhips ſaid Oꝛatoꝛ is without all helpe and remedie at the common law, foꝛ that he knoweth not, noꝛ remembꝛeth the dates oꝛ contents, oꝛ any other certainty of the ſaid Indenture, May it pleaſe your good Loꝛdſhip to grant her Maieſties gracious wꝛit of Subpena to be directed to the ſaid R. I. and E. his wife, and to either of them, commaunding them and eyther of them thereby, perſonally to appeare befoꝛe your honoꝛ in her Maieſties high Court of Chancery at W. at a certaine day, and vnder a certaine paine by your honoꝛ therein to be limited there, &c.

A Bill againſt an Infant for bourding, and apparrell deliuered to him by the plantife, and for not performing of a leaſe.

A IN moſt humble wiſe complaining ſheweth vnto your Honoꝛable Loꝛdſhip, your daily Oꝛatoꝛ T. T. of B. in the Countie of D. huſbandman: That whereas about foure yeares now laſt paſt, one G. B. of B. afoꝛeſaid yeoman, being ſeiſed in his demeſne as of fee, of, and in diuerſe landes, tenements, and hereditaments with their appurtenances in B. afoꝛeſaid, holden in Socage of I. S. as of the Manoꝛ of D. which ſaid tenements and pꝛemiſſes the ſaid G. B. had by diſcent, by and after the death of B. his late father, and the ſaid G. B. being thereof ſo ſeiſed, and being of the age of xx. yeares oꝛ thereabouts, and vnder the age of xxi. yeares, about the xxv. day of July which was in the Sect. 122.

the thirtie yeare of the Raigne of the Queenes moſt excellent Maiesty that now is, by meanes, counſaile, procurement, and perſwaſion of diuers euill diſpoſed perſons (that is to ſay) one A.E.I.M.W.N.T.C.H.Y. N.H.W.H. and D.D. intending by their vngodly compact & practiſe to make a pray of the ſimplicity of your ſaid Orator, being an ignorant vnlearned man, the ſaid G.B. came vnto your ſaid Orator, pretending that he did then beare great good will and fauour to your ſaid Orator, and therfore entreated your ſaid Orator that he might boord & remaine with your ſaid Orator in his houſe at B. aforeſaid, and not onley haue meat, drinke, & lodging, but alſo ſuch apparrell & rayment as your ſaid Orator ſhould thinke meet & conuenient for his degree & calling, at the coſts & charges of your ſaid Orator, promiſing faithfully and fully to ſatiſfie your ſaid Orator for all ſuch charges & expences as he by reaſon of the premiſſes ſhould in any wiſe ſuſtaine. Wherefore your ſaid Orator giuing credit vnto the ſaid G.B. in the premiſſes, & thinking that, that he had faithfully promiſed, he would fully and effectually haue performed, did then fully conſent and agree, to, and with the ſaid G.B. to find him meat, drinke, lodging, & apparrell, as is aforeſaid, for the conſideration promiſed as is aforeſaid: By pretence wherof the ſaid. G.B. about the ſame time came to the ſaid houſe of your ſaid Orator, and remained there with your ſaid Orator, vntill about the ſecond day of February then next following, during all which time your ſaid Orator at his owne proper coſtes and charges, did prouide and finde for, and vnto the ſaid G.B. all manner of neceſſary meat, drinke, lodging, apparrell, and all other things neceſſary for him. About which ſecond of Februarie the ſaid G.B. pretending to continue his ſaid fauour and good will towards your ſaid Orator, by the like counſell, meanes, and perſwaſion of the ſaid euill diſpoſed perſons, and by their compact and agreement, did demiſe and leaſe vnto your ſaid Orator, all, or the moſt part of all the ſaid meſſuage, tenements, and premiſſes, that he the ſaid G.B. ſo had, as is aforeſaid, by diſcent from his ſaid father, to haue and to holde th ſaid tenements and premiſſes, with the appurtenances to him, his executors and aſſignes, from the feaſt of the Annunciation of the bleſſed virgin Mary then next enſuing, vnto the end and terme of three yeares thence next enſuing, your ſaid Orator & his aſſignes, yeelding & paying therefore at the ende and expiration of the ſaid terme of three yeares xx. pounds of lawfull Engliſh money. And alſo finding vnto the ſaid G.B. during the ſaid time of three yeares conuenient lodging, meat, drink and apparrell, and alſo keeping for the ſaid G.B. twenty ſheepe, by reaſon of which demiſe, your ſaid Orator about the ſaid feaſt of the Annunciation of the bleſſed virgin Marie, did enter into the ſaide demiſed meſſuages, tenements, and premiſſes, and occupied the ſame meſſuages, tenements,

nements,and pꝛemiſſes,by the ſpace of two yeares, oꝛ thereabouts,and during the ſame time, did at his owne coſtes and charges pꝛouide & find vnto the ſaid G.B.conuenient meat, dꝛink,lodging, and apparrell, and alſo his xx.ſheepe,accoꝛding to the ſaid agreement,and beſides thoſe xx. foꝛtie ſheepe moꝛe at the leaſt,to the charges of your ſaid Oꝛatoꝛ of one hundꝛed Markes at the leaſt. But now ſo it is, if it may pleaſe your honoꝛable Loꝛdſhip to vnderſtand, that about the firſt day of March, which was into the two and thirtie yeare of our Soueraigne Lady the Queenes Maieſties raigne that now is,your ſaid Oꝛatoꝛ hauing then inned into the Barnes of the ſaid tenements and pꝛemiſſes foꝛty loads of Hay,oꝛ thereabouts, part thereof did gꝛow vpon the ſaid tenements and pꝛemiſſes,but the moſt part thereof was bꝛought from other places and hauing alſo mannred the ſaid grounds to his exceeding great coſts and charges,the ſaid G.B.being then of full age,by the like perſwaſion and pꝛocurement of the perſons aboueſaid,did enter into the ſaid demiſed tenements and pꝛemiſſes, whereof your ſaid Oꝛatoꝛ was then quietly poſſeſſed,as he then found the ſame, And he together with the ſaid A.E.I.M.W.N.C.H.M.N.H,W.H.& H.G.did take away and conuert to their owne vſes,the moſt part of the ſaid foꝛty loades of Hay oꝛ thereabouts to the value of twenty markes at the leaſt. By meanes whereof your ſaid Oꝛatoꝛ hauing againſt the Winter befoꝛe,pꝛouided great ſtoꝛe of beaſtes and cattell foꝛ to haue eaten the ſaid Hay foꝛ the ſuſtenance of them,he was inforced to buy, and did buy a great quantitie of Hay at an exceſſiue pꝛice,oꝛ elſe to haue famiſhed the moſt of his ſaid beaſts foꝛ want of fodder,which was to the great loſſe and damage of your ſaid Oꝛatoꝛ: Neuertheles the ſaid G.B.by the like counſel and perſwaſion of the ſaid euill diſpoſed perſons,albeit he hath beene ſundꝛy times gently required by your ſaid Oꝛatoꝛ to make vnto him ſome reaſonable recompence and ſatiſfaction foꝛ the loſſe of his ſaid terme and his other damages,and foꝛ ſuch coſtes and charges, as he had beſtowed foꝛ the manuring and bettering of the ſaid grounds ſo to him demiſed, and foꝛ ſuch coſtes and charges as he your ſaid Oꝛatoꝛ did ſuſtaine and beare,foꝛ,and by reaſon of the keeping,and maintaining of him the ſaid G.B.as is afoꝛeſaid,with apparrell,meat,dꝛink,and lodging, he vtterly denieth,and refuſeth to yeeld vnto him any manner of ſatiſfaction oꝛ recompence foꝛ the ſame,oꝛ part thereof, alleaging, that at the time of the making of the ſaid ſeuerall contractes,he was within the age of xxi. yeares,and therefoꝛe and foꝛ the incertainty ſome of the ſame contracts be meerely void in law.And not ſo contented,doth yet by the like counſell & perſwaſion of the ſaid euill diſpoſed perſons, ſue your pooꝛe Oꝛatoꝛ,foꝛ the occupation and vſe of the ſaid grounds, and foꝛ the pꝛofits and commodities thereof during the foꝛeſaid terme. Notwithſtanding

that he himselfe, and his said confederates did so as is aforesaid, vniustly take away your Orators said Hay, being of farre more value then the profites which he euer receiued, for, or by the grounds so to him demised, did amount vnto, against all right, equitie, or good conscience. In tender consideration whereof, and for so much as your said Orator is a verie poore man, and hath no ordinarie remedie by the strict course of the common lawes of this realme and dominion of England, either to defend himselfe in the said suit or to recouer any thing at all against the foresaid G.B. as well by reason that the sayd seuerall contracts and agreements were so vncertainly made, as is aforesaid with him, being at the making hereof an infant, as for that the same contracts & agreements were made priuately betweene your foresaid Orator and him the said G.B. few or none being present thereat, which can testifie the same, neither can your said Orator set downe in certain, how much of his said Hay they did so take and carie away, and yet is there great cause in equity why your said Orator should be relieued for the same in this honorable court. It may therefore please your honorable Lordship, the premisses gratiously cõsidered, to grant vnto your said Orator the Q. maiesties most gratious seuerall writs of Subpena to be directed vnto the said G.B. A.E. I.H. W.H. T.C. H.H. N.H. W.H. & H.G. & euery of them, thereby commanding them, and euery of them vnder a certaine paine, and at a certaine day therein to be limitted and appointed, to be, and personally to appeare before your Honorable Lordship in her Maiesties most high Court of Chancerie, then & there to answere vnto the premisses, and to abide such further order & direction therein, as to your honorable Lordship shall seeme to stand with right, equitie, and good conscience. And your sayd Orator shall dayly pray vnto almighty God for the preseruation of your Honorable Lordship in good health long to continue with much encrease of honor &c.

A Bill of debt vppon a contract against the suruiuing partner, or ioynt chapman, and the administrator of thother.

Sect. 123.

IN most humble wise complaining sheweth vnto your Honorable Lordship your dayly Orator R.P. of L. in the countie of Yorke chapman, that whereas the third day of May now last past, which was in the fiue and thirtie yeere of the most prosperous raigne of our most gratious Soueraigne Ladie Elizabeth the Queenes most excellent Maiestie that now is, and before and after the said third day of May, one W.T. of W. in ỹ countie of H. grasier, now lately deceased, were chapmen, partners, copercioners, or parting fellowes, did then as partners and parting fellowes iointly occupie together in all maner aswell of buying, and selling, bartering, or bargaining of beasts and cattell, A

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with their ſeuerall ſtockes, and of, and with diuers other goods, beaſts, and cattell taken vpon their credit, and of, and with all encreaſe and gaines from time to time ariſing and growing by reaſon of their ſayd occupying, as by factorſhip, alienation, exchaunge, or otherwiſe, for a certaine time betweene them the ſaid W. T. & R. W. priuately agreed vpon, and it was alſo then agreed betweene them, that during the time of their ſaid ioint occupying together or partnerſhip, either of the ſaid parties ſhould be faithfull and true to other in buying, ſelling, and otherwiſe, as is aforeſaid. And all ſuch lucre, profite and gaine, aduantage, benefite, and winning, as ſhould come, grow, or ariſe in buying and ſelling any beaſts or cattell, during their ioynt occupying or partnerſhip, ſhould be equally parted and deuided betweene the ſaid parties, ſo as either of them ſhould haue his iuſt and true moitie and portion of the ſame. And that at ſuch times as it was betweene them agreed vpō, either of them ſhould make a iuſt and true reckoning and accompt with other of buying and ſelling, of all ſuch beaſts and cattell, and otherwiſe as aforeſaid. And it was then alſo agreed betweene them the ſayd W. T. and R. W. that if any loſſe or charge ſhal happen to either of the ſaid parties at any time or times during their ſaid ioint occupying together, & partnerſhip by death of cattell, euill debts, caſualties, or otherwiſe concerning their ioint occupying to any part of the ſaid ſtocke in buying and ſelling of beaſts or cattell, or otherwiſe, as is aforeſaid, to be impaired, that the ſame loſſe and charge ſhould be equally borne by both the ſaid parties. And if it ſhould happē either of the ſaid parties to die during the ſaid ioint occupying or partnerſhips, then the executors or adminiſtrators of the goods and chattels of the party ſo dead ſhould make a iuſt & true accompt, paiment, & deliuery of ſuch part of all encreaſe, gaines, beaſts, cattell, & debts, as ſhould be due to the partie ſuruiuing. And in like maner that the party ſuruiuing ſhould make & declare to the executors of the goods & chattels of the party ſo dead, a iuſt, true & perfect accompt & reckoning of all the ſtate and qualitie of their ſaid ioint occupying or partnerſhip, and alſo pay, deliuer & aſſigne vnto ỹ ſaid executors or adminiſtrators of the party ſo dead, ſuch moity, halfe part & portion of the ſaid increaſe, gaines, beaſts, cattell, & debts, as vpō the ſame accompts ſhould then haue bin due vnto the party ſo dead, in ſo large and ample maner, as if he had bin then liuing, and the ſaid ioint occupying then ended, at ſuch times, & in ſuch maner, as it was betweene the ſaid parties agreed vpon, by force of which agreement, they the ſaid W. T. & R. W. iointly, as coparteners, ioint Chapmen, partners, or parting fellowes, occupied together their ſaid ſtocks, and other things aforeſaid, & according to their mutuall agreement, by buying, ſelling, & exchanging of beaſts & cattell, and otherwiſe, in ſundry faires

and markets of this Realme of E. and with diuers and sundrie of her Maiesties faithfull, and louing subiects vntill the day of &c. nowe last past, at which time the said R. W. died & the said W. T. him survived, during which said ioint occupying together, partnership, or society, that is to say, the third day of May now last past, the said R. for, and to the vse of himselfe, and of the said W. T. his partner, and ioint chapman, as is aforesaid, at N. in the county of M. did buy of your honors suppliant in the open market then there holden, three Oxen for fyre pound fiue shillings, of which summe, part was then in hand paid, and the residue was then agreed to be paide vnto your Orator vppon the Tuesday in Whitsonweeke then next following in N. aforesaid, and also vpon the Wednesday ensuing the day, commonly called or knowen by the name of Holie-thursday, the said R. W. did also buy to the vse of him, & the said T. of your said Orator other two Oxen for 8. pounds, to haue been paid to your Orator vpon the said Tuesday in Whitsonweeke, at N. aforesaid, which said Oxen were then accordingly deliuered to the saide R. W. at N. aforesaid, and shortly after the said R. W. deliuered the same Oxen to the hands of the said W. T. and died, not hauing paied or satisfied this your Orator, of and for the said fourteene pounds, nor of any part thereof, according to the said bargaine, the said Oxen remaining in the hands and possession of the said W. T. and after the time of the death of the said R. W. and were sithence by him the said W. T. conuerted to his owne onely vse, by meanes whereof, action accrewed vnto your said Orator, to demaund, and haue of the said W. T. and of one E. W. of S. in the county of E. widow, late wife of the said R. W. or of one of them, the said 14 l. so to him due for the said Oxen, which the said E. W. by the compact and consent of the said W. T. and R. W. became executor to the said R. W. and wrongfully administred & conuerted to his owne vse diuers goos and chattels which were belonging to the said R. W. at the time of his death. And albeit your said Orator hath diuers and sundry times come and sent to the said W. T. and E. since the death of the said R. W. gently requiring payment of the said summe of 14. l. so as aforesaid, being behinde and vnpaid of the price of the said Oxen, notwithstanding that diuers goods & chattels, which were the said R. W. at the time of his death sufficient for the contentation of your said Orator, of, and for his said debt of 14. l. And also to performe the funerals of his said R. W. and to satisfie all debts which the said R. W. ought to any person or persons at the time of his death, came to ỹ hands & possess. of the said W. T. or E. W. or to the hands & possess. of such person or persons, to whō they ỹ said W. T. & E. W. or the one of thē, haue left, yelded, or deliuered ỹ same, & in their or some of their hāds doth stil remain, Notwithstāding they & either of thē haue diuers

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and ſundrie times ſince the death of the ſaid R.W. beene by your ſaid Orator & others in his behalfe gently required to pay the ſame, yet that to do they and either of them haue euer hitherto denied and refuſed, and yet do denie and refuſe to pay the ſame vnto your ſaid Orator, fraudulently intending thereof and euerie part thereof craftily and ſubtilly to defraud; and deceiue your ſaid Orator. And for that purpoſe haue ſecretly conueyed, concealed, and hid a great part of the goods and chattels, which the ſaid R.W. had at the ſaid time of his death being of good value to diuerſe perſons, and in diuers places to your Orator vtterly vnknowen, ſo that the ſame being by that meanes left out of the Inuentory of the goods of the ſaid R.W. to the intent to daſſe & blind the eies of your Orator, and of ſundry of the ſaid R.W. creditors to whom he was in like manner indebted, not knowing the trueth of their dealing, and vngodly practiſes and deuiſes, intending by ſuch colourable meanes, either vtterly to defraud his ſaid creditors or ſo to inforce them to reſt contented with ſome ſmall part of their true and lawfull debt. And whereas afterwards that is to ſay, vpon Tueſday next after Midſomer day now laſt paſt, your Orator and one T.T. of L. in the County of L. husbandman by a priuate agreement betwene them made, did ioyntly buy of diuers perſons to the vſe of them both, eight Oxen, and ſeuen Bullocks, or Steeres for diuers ſeuerall ſums of money, and afterwards the ſaid beaſts that is ſeuen of the ſaid Oxen, and the ſaid ſeuen Bullocks or Steeres for the price of which 14. beaſts, and of the ſaid odde Oxe, your Orator and the ſaid T.T. afterwards priuatly accompted, and he thereupon ſatiſfied your orator all that to him was due for the ſame but 3.l. 13.s. 4.d. or thereabouts, and being perſwaded by the ſaid W.T. and E.W. and by their pernitious example, not ſatiſfied with their former wrong as is ſaid, offered to your ſaid Orator, haue alſo perſwaded the ſaid T.T. not to pay to your ſaid Orator, the ſaid ſumme of 3.l. 13.s. 4.d. or thereabouts ſo to him due, for the price of the ſaid Oxen, ſo that albeit the ſaid T.T. hath oftentimes ſince the making of the ſaid bargaine and accompt, beene gently required by your ſaid Orator and others on his behalfe, yet he hath euer hitherto denied and refuſed to make paiment thereof, and ſtill doth denie, and refuſe to do the ſame, againſt all right, equity, and good conſcience, which vnlawfull practiſes of the ſaid W.T. and E.W. and T.T. are likely to be to the great loſſe, and hinderance of your ſaid Orator, if ſpeedie remedie be not by your good Lordſhip prouided to meete with, and preuent their couetous and moſt vnconſcionable dealings and purpoſes in the premiſſes: wherefore, and for as much as the ſaid agreement of partnerſhip, and otherwiſe, made betwene the ſaid W.T. and R.W. & alſo all the compacts and practiſes made, by, and betweene the ſaid W.T.

and the said E.W. since the death of the said R.W. And also the said agreement of the ioint buying of the said fifteene beastes by your Orator, and the said T. and also the said bargaine betweene your Orator and the said R.W. for the said fiue Oxen, as also the said ioint buying of the said fifteen beasts by your orator, & the said T.T. were secretly and priuately made betweene themselues, so that there is no person liuing knowen to your said Orator, but the said W.T. E.W. and T.T. priuie thereunto, that can testifie the said seueral contracts, made betwene your said Orator, and the said R.W. of, and for the said fiue Oxen, as is aforesaid, and the said ioint buying of the said fifteene beasts by your said Orator & the said T.T. & their said accompts touching the same, or the said ioint occupying or partnership betweene the said W. and T. or the said concealement, cunning, close, and vnlawfull dealings of the said E.W. and T. in the premisses, so that your said Orator, through the want of such precise proofe thereof (as the strict course of the common lawes of this Realme doth in that behalfe require) is altogether remediles, by the order of this honorable Court, wherein your Orator verely hopeth, that the said W.T. E.W. and T.T. in their seuerall answeres to the premisses, will seuerally vpon their corporall Oathes confesse the said premisses, to be in effect, as they haue beene herein disclosed and set forth: It may therefore please your Honorable good Lordship, the premisses graciously considered, to grant vnto your said Orator, her Maiesties most gracious seuerall writs of Subpena, to be directed to the said W. T. & W. T. T. and to euery of them, thereby commaunding them, and euery of them, at a certaine day, and vnder a certaine paine therein limitted, to be, and personally to appeare before your honorable Lordship in her Maiesties most high Court of Chancery, then, and there to answere vnto the premisses, and abide such further order and direction therein, as to your honorable Lordship shall seeme to be agreeable with right, equitie, and good conscience. And your said Orator shall daily pray &c.

A Bill vpon a promise to forbeare debt due by Obligation vntil an other day, and yet suing the band.

Sect. 124.

IN most humble wise sheweth and complaineth vnto your honorable Lordship &c. That whereas one R.F. of &c. in the County aforesaid Gentleman, was indebted to one W.P. of D. aforesaid, in the summe of &c. And whereas your said Orator, at the speciall and earnest intreatie and request of the said R.F. about two yeares last past, became bounden for the said F. vnto the said W.P. by his deede or writing Obligatorie, in the summe of &c. with Condition therein contained or indorced, for the payment of the summe of &c. vnto the said W.P. at the feast of &c. which was in the yeare &c. at, or in the A

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Church yorch of &c. aforeſaid, as by the ſaid deede or writing Obligatorie doth and may appeare: Which ſaid ſumme of &c. your ſaid Orator had appointed in a readineſſe, and purpoſed to pay the ſame at the time and place aforeſaid, according to the Condition of the ſaid writing Obligatorie: Whereupon the ſaid W. P. the very day appointed for the paiment of the ſaid &c. or the day before, the certainty whereof your ſaid Orator, nowe remembreth not, came vnto your ſaide Orator, and vpon ſpeech had betweene your ſaid Orator, and the ſaid P. touching the paiment of the ſaid money: The ſaid P. was contented, and did agree to forbeare the paiment thereof, vntill the feaſt of P. then next following, and did faithfully aſſume and promiſe, to, and with your ſaid Orator, both then, and at diuers times after, to forbeare the paiment thereof vntill the ſaid feaſt, and that he would not take any aduantage of the forfeiture of the ſaid bonde againſt your ſaid Orator, but would cancell the ſaid bonde, and take a newe bonde for the payment thereof at the ſaid feaſt of P. aforeſaid, but neuer required any new bonde from your ſaid Orator: And your ſaide Orator giuing credite to his promiſe and aſſumption aforeſaid, did not pay the ſaide ſumme of &c. according to the Condition of the ſaide writing Obligatorie. After which time, the ſaide W. P. did oftentimes promiſe your ſaide Orator, to deliuer the ſaide bonde of &c. to your ſaide Orator to be cancelled, and to take new bonde for the payment of the foreſaide ſumme of &c. at the ſaid feaſt of Penticoſt according to his promiſe and agreement aforeſaid: And your ſaide Orator doubting that the ſaide P. meante to delay him, and driue him off from time to time, and not fearing leaſt the ſaide P. ſhould take anie aduantage of the forfeitnre of the ſaide bonde againſt him, in Michaelmas Terme laſt paſt, your ſaide Orator demaunded the ſaide bonde againe of the ſaide P. in L. who tolde your ſaide Orator, that he had deliuered ouer the ſaide bonde vnto one W. W. being his brother in Lawe, to whom he had aſſigned ouer the ſaide bonde, and could not releaſe or diſcharge the ſaide bonde without the aſſent of the ſaide W. W. but would make meanes to the ſaide W. W. for the deliuerie of the ſame, and ſeemed to make diuers iourneyes to the ſaide W. W. to fetch the ſame: And ſo from time to time delayed your ſaide Orator, and droue him out with fayre wordes, vntill ſuch time as your ſaide Orator was vpon occaſion of buſines, inforced to ride out of L. into the Countrey: And ſhortely after, your ſaide Orator purpoſing to get the ſame bonde out of the ſaide P. and W. handes, did in the ſaid Michaelmas Terme, ſend one G. W. his ſeruant to L. with the ſaid money, to make payment thereof vnto the ſaide W. and P. and to receiue

the ſaid bond, who comming to L. accordingly to the ſaid W. and P. and declaring vnto them, that he was come to make paiment of the foreſaid ſumme of &c. and to receiue the ſaid bond, the ſaid W. then told the ſaid N. that the ſaid bond was not then in his cuſtody or keeping: But the ſaid W. did then and there promiſe, that if the ſaid V. would deliuer ouer a bond which he had in his keeping of truſt, to the vſe of the ſaid P. that then the ſaid W. and P. would the next day following, come to the ſaid V. his lodging, and receiue the ſaid &c. and deliuer ouer the foreſaid bond of, &c. vnto him, vpon whoſe promiſe the ſaid V. did then preſently (truſting to his faire ſpeeches) deliuer the ſaid bond which he had, to the vſe of the ſaid P. to the ſaid P. or W. accordingly. But ſo it is (may it pleaſe your good Lo.) that the ſaid P. & W. nothing at all regarding their foreſaid ſeuerall promiſſes, agreements, and aſſumptions made, to, and with your ſaid Orator, and the ſaid V. as aforeſaid, haue not onely hitherto refuſed and denied to deliuer ouer the ſaid bond of &c. vnto your ſaid Orator, according to the promiſes and agreements made, as aforeſaid, but yet do vtterly refuſe and deny to do the ſame: albeit your ſaid Orator did oftentimes, both before the ſaid feaſt of &c. as aforeſaid, and diuers times ſince, offer to make paiment of the ſaid ſumme of &c. vnto the ſaid P. and W. according to the foreſaid agreement, and yet is readie and willing to pay the ſame: But alſo the ſaid P. and W. purpoſing to bring vpon your ſaid Orator the whole penalty and forfeiture of the ſaid bond of &c. haue, or one of them hath of late, contrarie to the foreſaid aſſumptions & agreements made, as aforeſaid, & contrary to all honeſty, equity, and good conſcience, commenced ſuit at the common law againſt your ſaid Orator vpon the ſaid bond, to his great loſſe and hinderance. And the ſaid W. P. hath of late vtterly denied, that euer he promiſed to forbeare the paiment of &c. vntill the foreſaid feaſt of &c. contrary to the trueth, and contrary to all equity and good conſcience: In tender conſideration whereof, and for as much as your ſaid Orator cannot pleade the promiſe and agreement of the ſaid P. made to your ſaide Orator, for forbearing of the money (as aforeſaid) in barre of the ſaid bond at the common law, and thereby is void of all remedie, at, and by the ſtrict order and courſe of the common law of this Realme, nor can vſe nor bring any action of the caſe againſt the ſaid P. or W. vpon their ſaid promiſes and aſſumptions, for that your ſaid Orator cannot make any ſuch ſufficient proofe thereof, as by the common law is in ſuch caſe required, for that the ſame were made priuatly betweene themſelues, and no witneſſes called thereunto. And for as much as your ſaid Orator verely thinketh that the ſaid W. P. and W. W. being called into this moſt honorable court to anſwere to the premiſſes, will in their anſwere vpon their corporall oathes confeſſe the foreſaid concluſions, promiſes, and agree-

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ments made, as a foreſaid, and diſcloſe the trueth of the premiſſes: May it therefore pleaſe your good Lordſhippe, the premiſſes conſidered, to grant vnto your ſaid Orator, the Queenes moſt gracious writ of Subpena to be directed vnto them the ſaid W.P. and W.W. commanding them, and either of them, at a certaine day, and vpon a certaine paine by your good Lordſhip to be appointed, perſonally to appeare before your good Lordſhip, in the Queenes Maieſties moſt high Court of Chauncery, then, and there to anſwere to the premiſſes: And further to ſtand to, and abide ſuch further order and direction therein, as to your good Lordſhip ſhall be thought moſt meete and conuenient in that behalfe. And your ſaid Orator, according to his bounden duty, ſhall daily pray vnto God for the good and proſperous eſtate of your Lordſhip, in honor long to continue.

The Anſwere of W.P. and W.W. defendants, to the bill of complaint of E.L. complainant.

A THe ſaid defendants, and either of them ſaith, that for the moſt part the ſaid bil is vntrue, ſlaunderous and inſufficient in the law to be anſwered vnto, and the matters therein contained, deuiſed of malice, to put theſe defendants to needleſſe charges and expences in law, without any ſufficient cauſe ſo to do: The aduantage of exception to which inſufficient bill to theſe defendants at all times ſaued, For anſwere they ſay, and firſt the ſaid W.P. for himſelfe ſaith, that true it is, that the ſaid complainant did become bound to theſe defendants, by his obligation in the ſumme of &c. with condition indorced for the true paiment of the ſaid ſumme &c. at a day long ſince paſt, The which ſumme this defendant did verely thinke to haue receiued accordingly, and thereof did make reckoning, as of a debt then to be paid to him, and for that cauſe did at the very day appointed for the paiment of the ſame, repaire vnto the place ſpecified in the condition of the ſaid obligation, where the ſaid money ſhould be paid, and there did attend for the ſame, in hope to haue receiued it accordingly: But the ſaid complainant, meaning nothing leſſe then the ſatiſfying of the ſaid debt, left the ſame vnpaide, to the great hinderance, loſſe, and diſcredite of theſe defendants. And this defendant further ſaith, that he hath often and ſundry times ſithence the ſaid money was due, made meanes to the complainant for payment of the ſame, who from time to time with faire promiſes (now almoſt theſe three yeares) hath delaied this defendant to his greater hinderance, then the valew of the ſaid ſumme: By reaſon whereof, and for as much as the complainant hath ſought diuers indirect waies and meanes to get the ſaid Obligation of &c. out of the hands of this defendant with intent neuer to pay penny of the debt aforeſaid: This defendant hath Sect. 125.

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caused the said Obligation to be put in suite, as he thinketh it is lawfull for him to doe, without that, that the complainant to the knowledge of the defendant did prepare in a readinesse to haue paid the said &c. at the time and place, according to the condition of the Obligation aforesaid: Or that this defendant vpon the very day appointed for the paiment of the same &c. or the day before, (or in trueth at any time else) did come to the complainant, and had speech with him, that he was contented and did agree to forbeare the punishment thereof, vntill the feast of &c. then next following, or did assume and promise, to, and with the complainant, both then, & at diuers times after to forbeare the payment thereof, vntill the said feast, and would not take any aduantage of the forfeiture of the said bond, but would cancell the said bond, and would take new bond for the paiment thereof, at the said feast of P. as in the said bill is most falsely declared. And without that, that the said complainant to the knowledge of the defendant did send one G.V. his seruant to L. with the said money to make payment thereof to one of these defendants, as also in the said bill of complaint is vntruely alleaged. For this defendant saith, that he sought often to the complainant, and made means vnto him, to haue the said defendant eyther to be paide in money, or that he might be satisfied thereof some other way, who made him many promises to do the same with speed, but neuer ment or intended it, for any thing that this defendant could get to the contrary. And the said W.W. the other of these defendāts for himself saith: That whereas he is charged to haue made promise to the said V. that if he would deliuer a bonde which he had in his keeping of trust, to the vse of the said P. that then he this defendant, and the said P. would the next day following, come to the said V. his lodging, and receiue the said summe of &c. and deliuer ouer the said bonde of &c. He this defendant saith, that he neuer made any such promise to the said V. to his remembrance, neither was there any cause at all that he should so doe aswell because in trueth, and in honestie the said V. ought to make deliuerie of the said bonde, so committed vnto him, but of trust, as appeareth by the plantifes owne shewing, as also for that this defendant was informed, that the said V. had deliuered the said bonde before that they two mette together to talke of the saide debt. And this defendant further saith, that although it were true, that he had made such promise (as aforesaid) yet were it nothing at all materiall for the relefe of the complainant, aswell for the cause aforesaid, as also for that this defendant had no power of himselfe to doe, eyther good or hurt in the matter. And without that, that any other matter or thing whatsoeuer materiall in the said vntrue bill to b answered vnto, and not in this answere sufficiently answered, confessed, and auoided, trauersed, or

denied,

denied, is true. All which matters theſe defendantes are readie to auerre and proue, as this moſt honorable Court ſhall awarde, and prayen to be diſmiſſed with their reaſonable coſtes in this behalfe wrongfully ſuſtained.

The Replication of E.L. Eſq. Complainant, to the Anſwere of W.P, and W.W. Defendant.

A THe ſaid Complainant replieth and ſaith, that the ſaid bill of complaint by him exhibited into this moſt honorable court, is very true, certaine, and ſufficient the law to be anſwered vnto, And that the matters therein contained, are neither deuiſed, imagined, practiſed, or ſet forth by him the ſaid complainant, for any ſuch cauſe or purpoſe, as the defendants in their anſweres haue vntruely imagined, but the ſame is grounded vpon good and iuſt cauſe, as by the contents thereof doth and may appeare. And further ſaith, that the anſwere of the ſaid defendant is verie vntrue, vncertaine, and inſufficient in the lawe to be replied vnto, The aduantage of exception to the incertainety and inſufficiencie thereof to the ſaid complainant, nowe, and at all times hereafter ſaued. The ſaide complainant for further replication ſaith, that he doth, and will auerre, iuſtifie, maintaine, and proue, all, and eueuerie matter, article, ſentence, and thing, in the ſaid bill of complaint contained, to be good, iuſt, and true, in ſuch ſort, manner, and forme, as in the ſaid bill of complaint they be truely ſet forth, ſhewed, and declared. And further the ſaid complainant ſaith, that he doth, and will auerre and proue, as this moſt honorable Court ſhall and will awarde, that the ſaid compainant did prepare in a readines, and purpoſed to pay the foreſaid ſumme &c. in the ſaid bill & anſwere mentioned, at the time and place in the condition of the ſaid obligation mentioned, according to the true intent and meaning of the condition of the ſaid obligation in ſuch ſort, maner, & forme, as in the ſaid bill of complaint is moſt truly ſet forth & alleaged. And that the very day appointed for the paiment thereof, or the day before, the ſaid W.P. one of the ſaid defendants did come to the ſaid complainant, and vpon ſpeech had betweene them touching the paiment of the ſaid money, the ſaid defendaut was contented, & did agree to forbeare the paiment thereof, vntill the feaſt of &c then next following, in ſuch ſort, maner, and forme, as in the ſaid bill of complaint is moſt truely alleaged. With that alſo, that the ſaid W.P. did faithfully aſſure and promiſe, to and with the ſaid complainant, both then, and at ſundry times after, to forbeare the paiment thereof, vntill the ſaid feaſt of &c. aforeſaid, and would not take any aduantage of the forfeiture of the ſaid bond againſt the ſaid cõplainant, but would cancel the ſaid bond and take new bond for the paimẽt therof, at the feaſt aforeſaid. And that

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the

the ſaid complainant, relying vpon the foreſaid agreement, promiſe, and aſſumption of the ſaid P. for the forbearing of the ſaid &c. vntil the ſaid feaſt of &c. aforeſaid, and for the taking of a newe bond for the payment thereof, at the feaſt aforeſaid, did not pay the ſame, according to the condition of the foreſaid Obligation, which otherwiſe he would haue done, in ſuch ſort, manner, and forme, as in the ſaid bill of complaint is alſo moſt truely ſet forth and declared. And with that alſo, that the ſaid complainant in Mich. Terme laſt paſt, ſent the ſaid G.V. his ſeruant to L. with the ſaid money to make payment thereof. And that the ſaid W. W. the other defendant vpon offer of tender of the foreſaid ſumme of money by the ſaid V. The ſaid W. W. did promiſe to deliuer the ſaide bond vnto the ſaid V. within ſhort time after, ſo as the ſaid V. would deliuer ouer a bond which he had in his keeping, to the vſe of the ſaid P. and would alſo at a time betwene them agreed on, make paiment of the ſaid ſumme of &c. which bond was deliuered ouer accordingly, to the ſaid P. or W. by the ſaid V. And the ſaid V. was readie to tender and pay the ſaid money, according to the ſaid appointment, in ſuch ſort, manner, and forme, as in the ſaid bill of complaint is alſo truely alleaged. Without that, that the ſaid W. P. one of the ſaid defendants, ſought often to the ſaid complainant, and made meanes to him to haue the ſaide debt, either to be paid in mony, or that he might be ſatiſfied therof, ſome other way, who made him many faire promiſes to do the ſame, but neuer ment, or intended it, in ſuch ſort, manner, and forme, as in the ſaide anſwere is moſt vntruly alleaged: For the ſaid complainant ſaith, that he did often and ſundrie times, both before the ſaid feaſts &c. and diuers times ſithence, offer to make paiment of the ſaid ſumme &c. vnto the ſaid W. P. and W. W. and alwaies was, and yet is readie and willing, vppon the redeliuerie of the foreſaid bond, to pay the ſame, in ſuch ſort, as in the ſaid bill of complaint is moſt truely ſhewed and alleaged. And without that alſo, that any other thing, matter, or circumſtance in the ſaid aunſwere mentioned, materiall or effectuall to be replied vnto, and in this Replication not ſufficiently confeſſed, auoyded, denied, trauerſed or otherwiſe replied vnto, is true. All which matters the ſaid complainant is readie to auerre and prooue, as this moſt Honorable Court ſhall and will awarde. And praieth, as before in his ſaid bill of complaint he praied.

The Ioint and ſeuerall Reioinder of W. P. and W. W. defendants to the Replication of E. L. complainant.

Sect. 127. THe ſaid defendants ſay, and either of them for himſelfe ſeuerally A ſaith, that the Replication of the ſaid complainant is vniuſt and vntrue, and very inſufficient in the law by theſe defendantes, or either of them

them to be reioined vnto. Notwithſtanding all aduantage of exception to the incertainty and inſufficiency thereof to theſe defendants, and to either of them at all times hereafter being ſaued, for reioinder vnto the ſaid inſufficient replication: Theſe defendants ſay, and either of them for himſelfe ſeuerally ſaith in all and euerie matter and thing, as they and either of them in their ſeueral anſweres haue ſaid, without that that any other matter, cauſe, or thing whatſoeuer, materiall or effectuall contained in the ſaid replication, & by theſe defendants or either of them to be reioined vnto, and not herein ſufficiently confeſſed and auoided, trauerſed or denied, is true. All and euerie which matters and things theſe defendants and either of them are readie to auerre and proue, &c.

A Bill for detaining lands with euidences.

A MOſt humblie complaining &c. pour daily Orator I. S. of A. in the County of H. Huſbandman. That whereas R. S. of H. in the County of H. aforeſaid Huſbandman, and grandfather to your Orator was in his life time ſeiſed in his demeſne as of fee, or in fee taile, of, and in certaine meſſuages, lands and tenements, to the yearely valew of &c. or thereabouts, lying in H. aforeſaid, and of the ſame died ſeiſed: By force whereof the ſaid tenements diſcended and came (as of right they ought) vnto one I. S. father to your ſaid Orator, ſonne and heire to the ſaid R. who afterwards entred into the ſame, and was for diuers yeares ſeiſed of the tenements accordingly, vntil about the firſt yeare of the Raigne of the late King Edward the firt. At which time one T. G. of H. aforeſaid, happening by caſuall meanes to get into his poſſeſſion all the euidences, charters, and writings concerning the ſaid lands and tenements: And knowing that your ſaid Orators father could not for want of thoſe euidences, charters, & writings defend his right, title, and intereſt to the lands aforeſaid, entred alſo into the ſaid tenementes, and the ſame wrongfully did withhold and detaine, during the terme of his naturall life: ſithence which time, one T. G. of H. aforeſaid, and E. G. widow, mother to the ſaid T. hath alſo entered into the ſaid tenements, and the ſame to this day moſt vniuſtly withholdeth, together with all the charters, euidences, and writings aforeſaid, which in right and equitie belong and appertaine to your Orator, as ſonne and heire to the ſaid I. S. now deceaſed: In tender conſideration whereof, and for ſo much as your Orator doth not know the certaine dates of the charters, euideneds, and writings aforeſaid, nor of any of them, neyther doth know whether they are in bagges, or bore ſealed, or in cheſt locked, he is without all remedie at the common lawes of this Realme, and alſo without all other meanes how to finde reliefe in this behalfe, except

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except your honorable Lordships fauour extended. And that the said T.G. and E.G. may by your Lordships order be compelled vpon their oathes, plainely, and truely to shew forth their estate, in, and to the tenements aforesaid, and also to shew what right, title, or interest they haue or claime, in, and to the same, & likewise to shew the effect and certaine dates of such charters, euidences, and writings, aforesaid, as they, or eyther of them haue in their possession concerning the said tenements aforesaid, or any part thereof. May it therefore, &c. as before.

The Answere.

Sect. 129. THese defendants by protestation say, and euery of them saith that A the bill of complaint exhibited into this honorable Court, is for ỳ most part vncertaine, vntrue, and insufficient in the law to be answered vnto. And that the matters therein contained are deuised by the complainant onely, to molest and trouble these defendantes, being verie poore, rather then vpon any iust cause. Neuertheless the aduantage of exception to the vncertaintie and insufficiencie of the said bill to these defendantes at all times saued: For aunswere and declaration of the trueth, they say, and euery of them saith, that true it is that one R. S. of F. in her Maiesties Countie of H. was in his life time seised in his demesne, as of fee, of, and in one messuage, and certaine lands and tenements in H. in the said County of H. and being so seised by his deed of foffement vnder his hand and seale, about the xxvi. yeare of King H. the viii. conueyed and assured the same messuage and lands vnto one I.S. his sonne, and to his heires and assignes for euer, as by the deed of the said R. vnder his hand and seale redy to be shewed vnto this honorable Court doth and may appeare: By force whereof the said I.S. was thereof seised in his demesne as of fee, And being so thereof seised, for a certaine summe of money to him paid by W. G. father of one of the defendants, did conuey and assure the said messuage and lands vnto the said W. G. and his heires with warrantie, as by the deed and release of the foresaid I.S. doth and may appeare: After which the foresaid W.G. the father vnto the said defendant died of the said messuage and lands seised, After whose death these defendants entred into the said tenements, and the same enioyed to their own profits and commodities, as lawfull was for them to doe: without that, that R.S. of H. in the said bill mentioned, was seised of the messuage and lands in the bill mentioned in fee taile, or that the said I.S. father of the complainant was seised of the premisses in the first yeare of King Edward the first, or that the said W.G. father of one of the defendants got the possession of the messuage, & the euidences concerning the same, other wise then was lawfull for him to doe: Or that the defendantes,

or

or any of them do vniuſtly withhold the ſaid meſſuage or lands in the bill mencioned, or the euidences concerning the ſame, otherwiſe then is lawfull for them to do in reſpect of their right. And without that, that the ſaid meſſuage and lands with the euidences concerning the ſame do in right or equitie appertaine to the Complainant, as ſonne and heire to I. S. the father. And without that, that any other matter or thing in the ſaid bill contained concerning theſe defendants, and not in this anſwere ſufficiently confeſſed, and auoyded, trauerſed, or denyed, is true. All which matters theſe foreſaid defendants are &c. vt ſupra.

The Replication.

A THe Complainant auerreth and maintaineth his ſaid bill of complaint, and all and euery the matters and things therein contained to be verie good, iuſt, and true, in ſuch ſort, maner, and forme, as in the ſaid bill of complaint is declared. And ſaith, that the anſwere of the defendants for the moſt part is vncertaine, vntrue, and inſufficient in the law to be anſwered vnto: Neuertheleſſe all aduantages of exception to the inſufficiency thereof to this complainant, at all times hereafter ſaued: For replication ſaith in all and euery thing, as in the ſaid bill of complaint he hath ſaid. And further ſaith, that he doubteth not but that he can verie ſufficiently proue that the ſaid I. S. this complainants father, was about the firſt yere of the raigne of King Edw. the ſixth, or not long before, ſeiſed in his demeſne as of fee taile of the foreſaid meſuage, lands, and tenements in the ſaid bill mencioned. And he alſo hopeth to proue all the reſt of the ſaid bill to be true, in ſuch ſort as the ſame is truely declared and ſet downe: without that, that the foreſaid R. S. this complaynants graundfather being ſeiſed of the premiſſes in his demeſne as of fee, did lawfully by his deede of feoffement vnder his hand and ſeale, about the xxvi. yere of king H. the eight, conuey and aſſure the ſaid meſuage and lands vnto one I. S. his ſonne, and to his heires and aſſignes for euer: Or that the ſaid I. S. being of the premiſſes ſeiſed in his demeſne as of fee, for a certaine ſumme of money to him paied by the ſaid W. G. father of one of the defendants, did lawfully conuey and aſſure the ſaid meſuage and lands vnto W. G. one of the ſaid defendants, and his heires with warrantie, as in the ſaid anſwere is verie vntruely alleaged: And without that, that the ſaid W. G. father to one of the defendants, died of the ſaid meſuage and lands ſeiſed in ſuch ſort, as in the ſaid anſwere is likewiſe declared, or that it was lawfull for the ſaid defendants after the death of the ſaid W. G. to enter and occupie the foreſaid meſuage and lands, as alſo in the ſaid anſwere is inſerted. And without that, that any other matter &c. All which &c. vt ſupra. Sect. 130.

A Bill for debt leuied by extent.

Sect. 131.

COmplaining sheweth &c. A.B. of &c. That whereas the said A.B. A
in the beginning of her Maiesties Raigne, liuing in her highnes Court, for his furniture of iewels, plate, money, and such like, had credit with one C.D. Citizen and Goldsmith of London, for the which as he had occasion to borrow any money, or take vp any wares, so he deliuered his Bils or Obligations for the true paiment of any such money so borrowed, or for the price of any such wares so bought, at daies betwixt them agreed: which daies, he alwaies kept, or tooke order for the forbearing thereof by himselfe, or his seruants, such as he did imploy in those affaires: Amongst which there was in D. in the first yeare of &c. a certaine debt or reckoning (of how much certainely he now remembreth not) betwixt him the said C.D. and the said A.B. for the which he the said A.B. was bound to the said C.D. in the summe of &c. by his deed obligatory, bearing date &c. which Obligation (as he now remembreth) was single with a defeasance for the debt, which was then agreed vpon to be answered at a certaine day following which said debt he the said A.B. paied accordingly by his then seruants and officers, who vnknowing vnto the said A.B. did negligently (as is to be coniectured) leaue the bonds in the hands of the said C.D. after the reckoning and debt paid or discharged. And so afterwards the said A.B. did deale and continue in further credit with the said C.D. for diuerse other great summes of money, iewels, and plate, some vpon the said Goldsmithes booke, and some vpon Bils, and Bonds, whereof the most part were afterwards discharged, sauing one debt by Recognisance about the foure and twentie day of, &c. in the &c. being to the value of 200. markes. In which said latter debt, the said A.B. presuming of friendship, and friendly dealing at the said C. D. his hands, because he had beene a very good customer vnto him, did not so precisely keepe his day, thinking he would haue reasonably dealt with him, being allowed for consideration for forbearing thereof, as at other times he had done. Notwithstanding, he the said C.D. contrarie to the said A.B. his expectation, did put the same Recognisance in suit presently after the forfeiture thereof. And the said A.B. being then busied in her Maiesties seruice, the said C.D. had iudgement vpon the said recognisance against him before he could send vp to take any order for the said latter debt by the said recognisance, and after tooke execution of the moitie of a manor of the said A.B. called &c. in &c. which for the payment and performance of the said debt was extended vnto twentie markes by the yeare, And so did leuie the said whole forfeiture vpon the said A.B. his manors and lands with great extremitie, vpon which extreme dealing

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he the ſaid A. B. finding himſelfe moſt cruelly and hardly dealt with, did refuſe to buy or ſell with him, and willed his Bailife of his ſaid manor to take acquittances of him at euery payment: who not onely did ſo, but vpon the laſt payment the foreſaid C. D. did acknowledge to him that paied the money, that your ſaid Orator was then cleere with him, and did owe nothing, or to ſuch effect, notwithſtanding the foreſaid A. B. accompted of him as of a verie extreame man: which the ſaid A. B. his diſpleaſure towards him being notified & verie well knowen vnto him, both by letters from himſelfe and otherwiſe, yet the ſayd C. D. liuing nine or ten yeares after that, it can not be intended, that he who whileſt they were in amitie, did ſue the ſaid A. B. vpon the ſaid recogniſance and debt therein conteined, being of ſo ſmall a value, would at the firſt haue left the elder bond, and debt, being of a greater ſumme vnſued for, if it had bin vnanſwered for, or not paid, much leſſe afterwards during all the ſpace of nine or ten yeres, when he the ſaid A. B. for his hard dealing had left to be his cuſtomer, or to deale with him, and thought but hardly of him, as he had no leſſe cauſe: So though it be moſt ſure and true, that the ſaid debt, for which the ſaid two hundred pounds bond was made in the ſaid firſt yeare of the raigne of &c. was long ſince fully anſwered, yet it being ſo long ſince, the ſaid A. B. can not preciſely call to mind vpon the ſodaine who paid it (diuers of his officers which dealt for his reuenues, and eſpecially one I. P. whom principally he vſed in thoſe affaires, being now dead) whereby he can not vpon a ſpeedie triall at the common Law proue the payment thereof, by ſtrict and preciſe courſe in that behalfe requiſite, and the rather, for that the Indentures for the defeaſance of the ſaid recognizance, came by ſome caſuall or negligēt meanes to the hands of the ſaid C. D. and of I. his wife, although it be manifeſt by the preſumptions aforeſaid, that the ſaid C. D. would not haue let it lye ſo long vndemanded, if he had not bin ſatiſfied, which the ſaid A. B. doubteth not to proue in this honorable court, for that alſo he thinketh there be yet ſome liuing that were preſent at the laſt reckning; that the ſaid A. B. or his officers made with the ſaid C. D. either when he agreed for the ſaid extents, or about that time: at which time he the ſaid C. D. did acknowledge, that all matters, debtes, and reckonings whatſoeuer, were then fully cleered and quit betwixt the ſaid A. B. and the ſaid C. D. And that the ſaid A. B. did not then owe him any thing. But ſo it is ẏ ſaid C. D. now being dead, and I. his wife being his executrix, who finding the ſayd bond of CC. pounds remaining vncancelled, rather as it ſhould ſeeme by thoſe which haue conferred with her, vpon ſome words ſpoken, or conceit of offence, that ſhe hath conceaued of the ſaid A. B. his diſpleaſure towards her late huſband, then otherwiſe vpon any iuſt cauſe, ſhe

the said J. hath published, that she hath such an ancient bond of the said A.B. bearing date &c. of two hundred poundes, and intendeth to put the same in suit against the said A.B. In tender consideration whereof, the apparant likelyhood of the said debt before recited being most true, and the same discharged, and yet the proofe of the discharge thereof in strict course of law being hard for the said A.B. to make the said J.D. and some others who dealt for him being now dead, and the said defeasance being come to her hands (as aforesaid) but onely vpon oath of the said J. D. who was priuy to that, and most of her husbands reckonings and doings in his life time, and yet would not vniustly charge the said A.B. with the said debt, by meanes that she hath both partes of the defeasans in her hands, whereby the said A.B. can not pleade them, and not knowing the date of them, or wherein they are conteined, can not demaund them by the ordinarie course of the Law. May it therefore please your good Lordship &c.

The Answere.

Sect. 132. The said defendant saith, that the said bill of complaint exhibited against her in this Ho. court is vncertaine, and vnsufficient in the law to be answered vnto, and the matters therein conteined vntrue, and contriued more of purpose to put the said def. to trouble and expences in law, then for any good or iust cause: Neuertheless if the same defendant shalbe compelled by this Ho. court to make any further answere to the same: then the aduantage of the insufficiencie thereof to this defendant at all times hereafter saued. For further answere the said defendant saith, that true it is, that the said A.B. about the time mencioned in the said bill of complaint, began to be a bargayner, and buyer of Plate and Jewels of the saide C.D. late husbandman to this defendant, and obtained credite at the hands of the said C.D. for the summe of &c. For payment whereof the said C.D. presuming vpon the promises of the said A.B. was contented onely to accept of a bare single obligation, which was sealed and deliuered vnto him about the time mencioned in the said bill, which summe of &c. the said C.D. (after the day past which was limitted for the payment thereof) often demaunded of the said A.B. who notwithstanding made no payment at all thereof, but with faire promises delayed time, and kept the said C.D. in hope from yeare to yeare, that he should be answered thereof to the vttermost peny. And at the last the said A.B. hauing neede of certaine other Plate or Jewels, to the value of &c. intreated with the same C.D. to giue him credit for the same, and promised faithfully, that if the saide C.D. would trust him therewith, that then within short space after he would truely make payment aswell of the hundred pounds, as also

of

of the ſaid two hundred poundes, vpon which earneſt intreatie the ſaid C.D. (being a man of a verie good nature, and eaſily led, by ſuch as he any way conceaued or thought well of) was contented to ſatiſfie his requeſt: But yet for aſmuch as the ſaid A.B. had before that time taken but ſmall regard concerning the keeping of his dayes vpon the ſingle obligation aforeſaid, the ſaid C.D. then thinking to deale more ſubſtancially with him then before, demaunded a recognizance for the ſaid ſumme of an hundred poundes, ſo then to be lent, without which he was vtterly vnwilling to truſt him any further: Whereunto the ſaid A.B. aſſented, and became bound accordingly in a Recognizance of two hundred markes, with condition for the true payment of an hundred pounds (which is the recognizance in the ſaide bill of complaint mencioned.) For diſcharge of which recognizance the ſaid A.B. tooke no greater regard then before he had done for payment of the ſaid ſingle Obligation, And therefore the ſaid C.D. at the laſt, three yeares at the leaſt being then paſt after the forfaiture of the ſaid Recognizance, perceiuing the careleſneſſe of the ſaid A.B. aſked aduiſe of ſome of his friends, what courſe he were beſt to take for the obtayning of the ſaide ſeuerall ſummes of money. By whom he was aduiſed to put the ſaide Recognizance (rather then the Obligation aforeſayd) in ſuit, aſwell for ſpeedy end of ſuit in the ſame, as alſo that thereby it was thought, the ſaide A.B. would the rather ſeeke meanes to make ſatiſfaction aſwell of the one debt as of the other: But he meaning nothing leſſe, nor regarding the ſaide ſuit, ſuffered the ſame to proceede till ſome parcell of his lande was extended, and ſo the ſaide C.D. was faine after three yeares forbearance of the ſaid ſumme of one hundred poundes, as aforeſaid, and after he had ſpent more then twentie poundes in ſuites, and rewardes in obteyning the ſayd extent, to accept onely twentie markes by the yeare, till the ſayd two hundred markes (being the principall) and penaltie were payed vnto hym: ſo that, the forbearance of the ſaide ſumme accompted together wyth the charges in ſuit, great loſſe of time in following the ſame, and rewardes gyuen to Shirifes and Baylifes, or euer any the ſaide landes might be extended: The ſaide C.D. ſuſtayned ſo great loſſe, as by the circumſtances of that which before hath been ſhewed, doth euidently approue, that he was vtterly diſcouraged to attempt any more ſuits againſt the ſaide A.B. but reſted ſtill in hope, that at one time or other he ſhould obtaine meanes in quiet ſort without ſuit in lawe to get ſatiſfaction alſo of the ſaid ſumme of &c. which hath bin the reaſon onely why the ſayde C.D. did not put the ſayd Obligation in ſuit ſo long time, without that, that to the knowledge of this Defendant there was euer any defeaſans

made vpon the ſaid Obligation, or that any ſuch defeaſans by caſuall meanes is come into the hands of this Defendant, as in the ſaid Bill is vntruely alleaged. And without that, that the ſaid A.B. by himſelfe or his officers as by the premiſſes manifeſtly appeareth, did make payment of the ſaid debt, or any part thereof: which the ſaid defendant is the rather throughly perſwaded of, as well becauſe ſhe was well acquainted with the dealings of her ſaid huſband, as alſo becauſe at the time of the debts of her ſaid huſband, he lying in extremity, called this defendant vnto him, and ſaid, that he had carefully gathered together ſundry bonds and Obligations, which at ſundry times had beene made vnto him for diuers ſummes of money, and yet in trueth they were paied and diſcharged, and thoſe bondes and Obligations he had put in a bore by themſelues, and named them Billes, which Obligations he willed this defendant to cancell or deliuer to ſuch perſons as were the Obligors, and in any wiſe not to demaunde any debt vpon any of them. And further he alſo openly ſaid, that all the reſidue of the bonds and Obligations remaining in other bores, which he then alſo named, were due and owing vnto him. In the which of the ſaid bores the ſaid Obligation of 200. li. was found, neither is it to be thought that any officer of the ſaid A.B. would deale ſo lightly as to paye the money due vpon the ſaid Obligation beeing but ſingle and without penalty, without either acquittance, or the bond it ſelfe, redeliuered or cancelled. Or that the ſaid A.B. himſelfe would haue allowed of any ſuch payment vpon any his officers accompts. And without that, that the ſaid A.B. did at any time allow any maner of conſideration for the forbearaunce of any ſumme of money due by him to the ſaid C.D. (as alſo is vntruely alleaged.) And without that, that the ſaid C.D. did put the ſame Recogniſaunce in ſuite, preſently after the forfeiture thereof: for the ſame was forborne three yeares after, as is before declared. And without that, that it is likely that the ſaide C.D. did acknowledge himſelfe ſatiſfied of all thoſe ſeuerall ſummes of twenty markes, which ſhould make vp the two hundred markes vpon the extent aforeſaid, when as he had recouered the whole debts due to him by the ſaid A.B. but onely without that, that the ſaid A.B. to the knowledge of this defendant, did ſignifie by his letters his diſpleaſure towardes the ſayde C.D. as alſo is vntruely ſet downe. And without that, that any other thing materiall in the lawe &c. As in the other.

To cauſe one to ſhew his Leaſe, whereby he holdeth &c.

Sect. 133. MOſt humbly complayning &c. A.B. of &c. gentleman: That whereas about fower yeares laſt paſt, one C.D. of L. vpon a certaine A

taine iudgement in a plea of debt amounting to the ſumme of &c. or there abouts, by him obteyned in her Maieſties court of common plees againſt one L. F. of &c. in the Countie of &c. ſued forth her Maieſties writ of Fieri facias, directed to the Shirife of the ſaid Countie, for the leuying of the ſaid debt of the goods and chattels of the ſaid E.F. By vertue of which writ the Shirife did amongſt other things take into his hands one leaſe for diuers yeares yet induring made to the ſaid E.F. by one T.S. in the Countie of S. eſquier of three parcels of land, called and knowen by the name or names of &c. with all and ſinguler their appurtenances, lying and being in the pariſhes of &c. in the ſaid Countie of &c. together with all and ſinguler woods, vnderwoods, and trees, ſet, lying, being, and growing, in, or vpon the premiſſes, or any part thereof: together alſo with the reuerſion and reuerſions of the premiſſes aforeſaid, and euery parcell thereof. And alſo all maner of common, aſwell of eſtouers and paſtures, as all other commons, paſtures, profites, and hereditaments whatſoeuer, to the ſaid premiſſes belonging or in any wiſe appertayning. And afterwards the ſaid Shirife (that is to ſay vpon the third day of May &c.) by his deede, bearing date vnder his hand and ſeale, did in conſideration of &c. to him paied towards the ſatisfaction of the debt and iudgement aforeſaid, bargaine, ſell, aſſigne, and ſet ouer the ſaid leaſe and terme of yeares yet to come, of all and ſinguler the premiſſes vnto one G.H. of L. gent, which G.H. not long after did in conſideration of &c. by your Orator to him paied, bargaine, ſell, aſſigne, and ſet ouer vnto your ſaid Orator all and ſinguler the premiſſes, and euery part thereof: Vpon which bargain and aſſignement of the premiſſes ſo made, as aforeſaid, your ſaid Orator was in verie good hope to haue peaceably and quietly entred into the premiſſes, and ſo to haue occupied and inioyed the ſame accordingly. Neuertheleſſe ſo it is right Honorable, that one R.T. of &c. in the ſaid Countie of L. pretending to haue a leaſe for diuers yeres yet to come of ſome part of the ſaid lands, called &c. made vnto him by the aforeſaid E.F. long time before any aſſignements aforeſaid, hath and yet doth keepe your ſaid Orator from the poſſeſſion of the ſaid lands, vpon which leaſe or demiſe a certaine yerely rent is (as he ſaith) reſerued to the ſaid E.F. his executors or aſſignes, which as your Orator verily thinketh is &c. by the yeare: and which rent, whatſoeuer it be, your Orator by reaſon of the lawfull conueyance to him made as aforeſaid, ought both in law and conſcience to haue and inioy during ſuch terme as the ſaid R.T. ſhall hold and occupie the land aforeſaid, by reaſon of the ſaid leaſe, which he ſo pretendeth to haue: But becauſe your Orator doth not certainely knowe whether the ſaid R.T. haue any ſuch leaſe, neither if he haue, what date it beareth, what terme the ſaid R. hath therein vnexpired, what rent

thereby is reserued, nor what couenants are therein conteined, as also your Orator can not, nor knoweth not how in due forme of law to enter or commence any action against the said R. T. either for the recouerie of the said land or rent aforesaid, which the said R. T. right well knowing being a man of little or no conscience, but destitute of the feare of God, thinking all things well-gotten which he may get and hould without the punishment of the law, doth not onely vse the said land to his great profit and commoditie, without yelding or paying therefore any rent to your Orator, or any other person lawfully clayming the same, but also doth vtterly refuse to shewe his said Lease, whereby he claymeth to hold the lands aforesaid, vnto your said Orator, to the great losse and hinderance of your Lordships said Orator: In tender consideration whereof, and for asmuch as your Orator hath no ordinarie way by the course of the common Lawes of this Realme to enforce the said R. T. to shew forth such writings as he hath for the holding and inioying of the lands aforesaid, but is and shall be vtterly destitute of all maner of helpe or meanes to obtaine the same to his great hinderance and impouerishment, except your honorable Lordship of your accustomed clemencie towards all such as are oppressed, do extend your fauour in ỹ behalfe, so that by the order of this honorable Court, the said R. T. be inforced vpon his oath to shew what right he hath to the premisses, or any part thereof, and likewise to set downe in his answere the true copie of the said lease (verbatim) or other writings whatsoeuer they be, whereby he claymeth the premisses, or any part of the same. May it therefore please your good Lordship &c.

The Answere.

Sect. 134. The said defendant not knowledging or confessing the matters suggested in the said bill of complaint to be true, for his answere touching the same saith, That the said E. F. named in the said bill of complaint was possessed for diuers yeares yet to come and induring of the said three parcels of land, called or knowen by the name of &c. mencioned in the saide bill of complaint by vertue of a lease thereof made by the said T. S. also named in the said bill of complaint, vnto the said E. F. long before the supposed extent specified in the said bill of complaint. And the said E. F. so being thereof possessed long before the said supposed extent, (if any such were) had in such manner, as in the said bill of complaynt is supposed, made a lawfull demise and lease of part of the said three parcels of land, conteyning fowerteene acres or thereabouts, vnto the said defendant for diuers yeares yet to come, and remayning vnexpired, vpon which lease the said E. F. reserued a yerely rent to be paied during the continuance of the said lease: By A

force

force of which leaſe the ſaid defendant entered into the ſaid fowerteene acres of land, part of the ſaid three parcels called &c. and was and yet is lawfully poſſeſſed accordingly, And euer ſince, and yet doth inioy the ſaid fowerteene acres by vertue of the ſaid demiſe and leaſe made by the ſaid E.F. to the ſaid defendant, and is to haue and inioy the ſame during the continuance of the yeares, of which there are diuers yeares yet to come, and remayning vnexpired. And the ſaid defendant ſayeth, that ẏ ſaid complaynant is a man to this defendant vtterly vnknowen, And therefore the ſaid defendant marueyleth much of the ſaid ſuit exhibited by the ſaid complaynant into this honorable court againſt the ſaid defendant touching the ſaid premiſſes. And further ſaieth, that the ſaid E.F. after the ſaid demiſe and leaſe by him made vnto the ſaid defendant, of the ſaid fowerteene acres of land, and before the ſaid ſuppoſed extent if any ſuch be, made a graunt and aſſignement of the intereſt and terme of the ſaid E.F. aſwell of the ſaid fowerteene acres, which the ſaid defendant hath and occupieth by vertue of his ſaid leaſe for diuers yeares yet thereof to come, and continuing vndetermined, as alſo of the reſidue of the ſaid three parcels of land mencioned in the ſaid bill of complaint vnto R.F. the ſonne of the ſaid E.F. vnto which graunt and aſſignement the ſaid defendant was priuy. And therefore the ſaide defendant thinketh that he is for the payment of his rent chargeable, and ought by the Law to pay the ſame rent reſerued vnto the ſaide R.F. and not to the ſaide complaynant, which ſaide R. doth verily thinke that he is lawfull Landlord during the continuance of his yeres yet to come and induring, and not the ſaid complaynant, who is altogether a meere ſtranger vnto this defendant. And which complaynant neuer at any time heretofore demaunded any rent for the ſaid part of the lands that this defendant hath and occupieth by the leaſe for yeres yet continuing of the ſaid defendant. And the ſaid defendant alſo ſaieth, that he is ſued for the rent reſerued vpon his leaſe by the ſaid G.H. named in the ſaid bill of cõplaint in the kings Bench in an action of debt brought by him againſt the ſaide defendant, And therefore the ſaid defendant much marueileth of this ſuit of the ſaide complaynant brought in this honorable court againſt the ſaid defendant touching the ſaid premiſſes: By which ſuit of the ſaid complaynant, the ſaid defendant is wrongfully ſued and vexed without any iuſt cauſe of ſuit, without that, that there is any ſuch extent made of the ſaid three parcels of land called &c. or that after the ſame extent, there was any ſuch bargaine & ſale made by the ſaid Shirife named in ẏ ſaid bill of complaint, of the ſaid terme & leaſe of yeres of the ſaid premiſſes vnto the ſaid G.H. Or that the ſaid G.H. bargained or ſold the ſaid premiſſes vnto the ſaid complaynant, or that the ſaid complaynant ought

to haue and inioy the ſaid premiſſes to the knowledge of this defendant. And without that there is any other matter or thing &c. All which matters &c.

Bill for a title of land intailed.

Sect. 135.

IN moſt humble wiſe ſheweth and complayneth vnto your good Lordſhip, your daily Orator R.R. huſbandman: That where one W. late of S. in the county of W. huſbandman, grandfather of your ſaid Orator, was lawfully ſeiſed in his demeſne as of fee, by due courſe of inheritance vnto him lawfully diſcended from his auncеſtors, and other lawfull conueyances in the law, of, and in one meſſuage &c. CC. acres of land, meadow, wood, and paſture, with their appurtenances in S. aforeſaid. And the ſaid W.R. ſo being of the premiſſes ſeiſed, about ten yeres now paſt, It was condiſcended, granted, & agreed betweene the ſaid W. R. and one I.E. late of H. in the ſaid countie deceaſed, that A.B. then ſonne and heire apparant of the ſaid W.R. before a certaine day ſhould marry and take to his wife one A.E. daughter of the ſaid I. E. and that the ſaid W. R. in conſideration thereof, and for that the ſaid A. ſhould be greatly aduanced and preferred in goods and ſubſtance by the mariage of the ſaid A. would immediatly after the ſaid mariage had and ſolemnized, conuey and make vnto the ſaid A. and A. a good, ſufficient, and lawfull eſtate in the Law, of, and in the ſaid meſuage, lands, tenements, and other the premiſſes. To haue and to hold vnto the ſaid A. and A. and to their heires males of their bodies lawfully begotten. And afterward the ſaid A. according to the ſaid agreement, did marrie and take to his wife the ſaid A.E. immediatly after which mariage had and ſolempnized, the ſaid W.R. according to his ſaid promiſe and agreement, did lawfully enfeoffe of, and in the ſaid meſuage, lands, tenements, and other the premiſſes, the ſaid A.R. and A. then his wife, To haue and to hold vnto the ſame A. and A. and to their heires males of their bodies lawfully begotten, by force whereof the ſaid A. and A. were ſeiſed of, and in the premiſſes, in their demeanes, as of fee taile ſpeciall, and they ſo being thereof ſeiſed, the ſaid A. and A. had iſſue male betweene them lawfully begotten, one I. R. and your ſaid Orator, and one W.R. and the ſaid W.R. the elder died, by and after whoſe death the reuerſion in fee ſimple of the premiſſes diſcended vnto the ſaid A. as ſonne and heire vnto him. And afterward the ſaid A. and Agnes dyed, after whoſe death the ſaid meſſuage, lands, tenements, and other the premiſſes diſcended and came, and of right ought to diſcend and come vnto the ſaid I. R. as ſonne and heire male of the bodie of the ſaid A. and A. lawfully begotten, by force whereof the ſaid I.R. entred into the ſaid meſſuage, lands, tenements, and other the premiſſes,

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milles, and was thereof ſeiſed in his demeſne as of fee taile. And he ſo being thereof ſeiſed, the ſaid I. R. about foure yeres now paſt, of the ſaid meſſuage and other the premiſſes dyed ſeiſed, without iſſue male of his bodie lawfully begotten, by force whereof the ſaid meſſuage and other the premiſſes diſcended and came, and of right ought to diſcend and come vnto your ſaid poore Orator, as brother and heire male to the ſaid I. R. by the vertue of the gift aforeſaid. So it is my ſinguler good Lord, that aſwell the deede of intaile made, of, and for the premiſſes by the ſaid W. R. the grandfather vnto the ſaid A. R. and A. and to the heires males of their bodies lawfully begotten, as is aforeſaid, as diuers other charters, euidences, and deedes, writings and muniments concerning the premiſſes, prouing the ſaid intereſt and title of your ſaid Orator, in, and to the premiſſes: been diſceiptfully comen to the hands and poſſeſſion of I. W. and C. his wife, late wife of the ſaid I. R. G. W. gentleman, and T. S. the elder, and remaine there as they haue conueyed and put them: and by colour of hauing the ſaid euidences, deedes, writings, and muniments in their hands and poſſeſſion, the ſame I. W. and E. haue now of late wrongfully entred into the ſaid meſſuage and other the premiſſes, And the poſſeſſion thereof do ſo yet wrongfully deteine & keepe from your ſaid Orator, and alſo the rents, iſſues, and profites thereof haue wrongfully receiued, perceiued, and taken to their owne vſe by the ſpace of fower yeres paſt, and ſo yet do, contrary to all right and good conſcience. And albeit that your ſayd Orator hath often and ſundry times required and inſtantly deſired the ſaid I. W. and E. G. W. and T. S. aſwell to deliuer vnto your ſaid Orator the ſaid euidences, deedes, writings, and muniments concerning the premiſſes, as alſo to auoid the poſſeſſion of the premiſſes, and peaceably and quietly to permit and ſuffer your ſaid Orator and his aſſignes, to haue and inioy the ſame, and to receiue and take the rents and profits thereof to his owne vſe, according to his ſaid intereſt and title therein, which to do, they at all times haue refuſed and denied, and yet do, contrarie to all right and good conſcience. And for aſmuch as your ſaid Orator knoweth not the certaine number, contents, ne other certainties of the ſaid euidences, deedes, writings, and muniments, nor wherein they be conteined. And alſo for that the ſaid I. W. E. G. W. and T. S. be of ſo great ſubſtance & riches, and alſo greatly friended, and borne in the ſaid Countie of W. And your ſaid Orator being but a poore man and hauing but few friends in the ſaid Countie, the ſame your ſaid Orator is, and ſhall be therefore without remedy concerning the premiſſes by due courſe and order of the common Law, and otherwiſe, vnleſſe your good Lordſhips ayde and fauour be vnto him ſhewed in this behalfe. In conſideration whereof it may pleaſe your good

Lordſhip,

Lordship, (the premisses tenderly considered) to graunt vnto your said Orator the Queenes most gratious seueral writs of Subpena to be directed vnto the said I. Werewick, E. G. S. and T. S. commaunding them and euery of them by the same, personally to appeare in the most honorable Court of Chauncery, at a certain day, & vpon a certain paine by your good Lordship to be limitted therein, then, and there to make answere to the premisses: And further to be ordered therein, as shall accord with right and good conscience. And your said Orator shall daylie pray &c.

The Answere of I.W. to the bill of complaint of R.K. husbandman.

Sect. 136. The said defendant saith, that the said bill of complaint is vncer- A
tain and insufficient in the law to be answered vnto, & the matter therein contained vntrue, & principally imagined, & pursued by the vnlawfull procurement, bearing, & suppoztation of one W. C. Esq. to the intent to put the said def. to trouble, costes, & expences, intending thereby to vnquiet & impouerish the said def. as they should be faine to leaue the right, title, and interest, of, and in the premisses, so that the said W. might purchase & buy the same of the said Complainant: And of late the said W. C. hath made meanes vnto the said I. W. now def. to buy his title & interest, of, & in the premisses, and threatned him to haue the same, and if he would not let him haue it with his good will, that then he would haue it against his will, whosoeuer tooke his part: and if the contents of the said bill were true (as they are not) yet were the matter determinable at the common Law, and not in this honorable Court, whereunto the said def. prayeth to be dismissed: and yet neuertheless, the aduantage of the premisses vnto this defendant at all times saued. For further answere vnto the said bill for declaration of the truth of the contents of the said bill, the said def. saith, & euery one of them saith, that long time before the said A. R. mencioned in the said bill of complaint, any thing had in the said messuage & other the premisses, or that the said W. R. was thereof enfeoffed, T. R. of P. T. S. of S. and W. of E. were thereof seised in their demesnes as of fee, & so being thereof seised, by their writing indēted, ready to be shewed, (the said messuage & other the premisses contained in ỹ said bill of cōplaint, amongst other things) gaue, demised, deliuered, & by their said writing indented, cōfirmed, vnto the said W. R. mencioned in the said bill of complaint, and vnto A. his wife, To haue & to hold the said messuages & other the premisses vnto the said W. and A. for terme of their liues, and to the wife of the longer liuer of them. And the said T. and T. willed & declared in the said writing indented, that the said messuage & all other the premisses should remaine vnto the said A. mentioned in the said bil of complaint, & vnto A.

his

his wife, & vnto the heires & aſſignes of ẏ ſaid A. for euer: without ẏ the ſaid W. R. did enfeoffe of, & in the ſaid meſſuage, lands, tenements, & other the premiſſes, the ſaid A. & A. to haue to thē & to their heires males of their two bodies lawfully begotten, or that the ſaid A. & Agnes were ſeiſed of, & in the premiſſes in their demeſnes as of fee taile, as in the ſaid bill of cōplaint is ſurmiſed, & without that, that after ẏ death of the ſaid W. ẏ the remainder of ẏ premiſſes in fee ſimple diſcended vnto the ſaid A. as ſonne & heire vnto him, or that after ẏ death of the ſaid A. & A. the ſaid meſſuage & other the premiſſes diſcended, and of right ought to diſcend or come vnto the ſaid I. R. in the taile eſpeciall, as ſonne and heire male of the bodie of the ſaid A. and Agnes lawfully begotten, either any other diſcent of inheritance therein of a meere fee ſimple, or that the ſaid I. by his entrie into the ſaid meſuage & other the premiſſes after the death of his father & mother, was then ſeiſed of, and in his demeſne as of fee taile eſpeciall, or of any ſuch eſtate dyed ſeiſed, or that after the death of the ſaid I. that the ſaid meſuage and other the premiſſes, or any part or parcell thereof diſcended and came, or of right ought to diſcend and come to the ſaid complaynant as brother and heire male to the ſaid I. R. by vertue of any gift or otherwiſe, as in the bill of complaint is vntruly ſurmiſed: But the ſaid defendants do auerre, and are, & ſhall be at all times ready to proue, as this honorable Court ſhall award, that the ſaid meſſuages and all other the premiſſes, by, and immediatly after the death of the ſaid I. R. diſcended, and of right ought to diſcend and come to one A. daughter and heire of the ſaid I. lawfully begotten on the bodie of the ſaid E. one of theſe defendants, the which A. is yet in plaine life, and in the ward and cuſtodie of her ſaid mother: And without that, that any deede of taile was made, of, and by the ſaid W. R. the grandfather, or any other euidence, deeds, writings, or muniments, concerning the premiſſes, proouing the ſaid intereſt and title of the ſaid complaynant of the premiſſes, and euery part and parcell thereof, to be comen to the hands and poſſeſſions of the ſaid I. W. and E. his wife, or either of them, or to the cuſtodie or poſſeſſion of any other by their deliuerie, conueyance, or appointment: but trueth it is, that the ſaid defendants haue in their cuſtodie, one writing indented readie to be ſhewed, whereby the remainder of the premiſſes is conueyed vnto the ſaid A. and Agnes his wife, and to the heires and aſſignes of the ſayd A. for euer, as is aforeſaid, and diuers other euidences and writings, proouing and concerning the conueyance of the fee ſimple of the ſaid meſuage, and other the premiſſes vnto the ſaid A. and other his auncеſtors, the which charters, euidēces, & writings, the ſaid def. do ſtill with them detaine & keepe, as good & lawfull is for them to do, as wel for ẏ proofe and preſeruation of their right, title, and intereſt, vnto the third part of

the

the premisses for the dowrie of the said E. as for the preseruation of the right, title, and interest of the said A. daughter and heire to the said I. of, and in the said mesuage, and other the premisses: without that the said def. haue at any time wrongfully entred into the said mesuage, and other the premisses, or into any part thereof, or the profites thereof do wrongfully detaine, and keepe frō the said complainants, or the rents, issues, and profites thereof, haue wrongfully destreyned, percepued, and taken to their owne vse, as in the same bill is also vntruely surmised.

A Supplication in the Chauncerie vpon deceipt by a Partner.

Sect. 137. IN most humble wise complayning sheweth &c. That whereas vpon A
the imagination of honesty and good opinion that R. C. father vnto your saide Orator deceased, had in one T. T. &c. the said R. about Easter last past, did ioine in bargaine with the said T. T. for the deliuerie of so much wares, whereof the moitie was the said R. as amounted to the summe of &c. vnto one I. S. of the Queenes Maiesties houshold Esquire, for the which summe of &c. the said S. stood bound by statute of the Staple, vnto the said R. C. and T. T. payable at the feast of &c. then nert &c. which was in the yere of our soueraigne &c. And to the intent that the same R. being a man of such honestie and simplicitie, as did neither suspect, nor yet doubt the good conscience of the said T. who alwaies toward him, had counterfaited such puritie of conscience, and so honest behauior, might the better by the help of the same T. come by his debt, at the time to be due, if he so long liued, or els if he died, that the said T. might be as a stay and sure meanes to his executors, for the getting in of the same, he the same R. trusted the said T. with the custodie of the said Statute: Soone after the making of the which bargaine, and somewhat before the said feast of &c. the said R. deceased, and made your Orator his executor, thereby charging him aswell with the gathering in of all such summes of money as were due to the said Testator, as also with the payment of all such debts, as the said R. did owe. And so it is, most gratious Lord, that although your said Orator hath diuers and sundrie times since the decease of his said father, required the said T. to haue the moitie of the said &c. due to him by equitie and good conscience, as executor vnto his said testator &c. The said T. (now declaring himselfe what he is) hauing regard neither to conscience, common honestie, nor yet to the trust he was put in, minding if he can (with what iniurie he careth not) vtterly to barre your said Orator from the hauing thereof, and he himselfe against all reason and conscience to haue the said &c. for nothing: hath not onely with many sleight and subtill delayes, lingred and delaied your said Orator long time from hauing the same: but also now lately hath

plai = ly

plainly anſwered and affirmed, that your ſaide Oratoz ſhall haue no part noz penie thereof, which if it ſhould thus paſſe, ſhould be both great incouraging to ſuch corzupt conſcioned perſons, ſtill to perſeuer in ſuch their lewd demeanour, and in the meane time, turne to the great impouerißing of your ſaide pooze Oratoz: Wherefoze may it pleaſe your ho. Lozdſhip, of your accuſtomed equitie, to inioyne the ſaid T. that he repay vnto your ſaid Oratoz the ſaid &c. moitie of the ſaid &c. if he haue receiued it of the ſaid S. oz if he haue not, that he be no let to your ſaid Oratoz, to do therein what he can, foz the obteyning and getting in the ſame. And thus ſhall your ſaid Oratoz haue cauſe continually to pzay foz the pzoſperous eſtate of your good Lozdſhip long to indure.

A bill of Complaint for recouering of Euidences made by compulſion by a man in priſon, without conſideration.

A IN moſt humble wiſe complayning, ſheweth vnto your good Lozd- Sect. 138.
ſhip, your daily Ozatrix I. B. That whereas in the yeare &c. it chaunced the huſband of your ſaide Ozatrix, together with one &c. iointly and ſeuerally to be bounden in a Recognizance of the ſumme of &c. knowledged befoze your good Lozdſhip in the Queenes Maieſties Court of Chauncerie, foz the payment of &c. payable at a certaine day now paſt, vnto one &c. foz which ſumme not being paied at the day due, the ſaid &c. hath ſued execution againſt your ſaid pooze Ozatrices huſband, whereupon he was by ỹ Shiriffe of &c. arreſted about &c. paſt, and by all the ſaid ſpace hath remained in the Qu. Maieſties pziſon of Marſhalſie, to his great paine of body, impoztable charges, and in maner vndoing, both of him, your pooze Ozatrix, and their ſmall chilozen, which piteous eſtate of his, (with himſelfe lamenting) after he had well conſidered, he then conſulted with himſelfe, foz his beſt remedy in that behalfe, and therewithall calling to his minde, that he had &c. a kinſman and coſin called &c. being of &c. vnto whom your ſaid ozatrices huſband, foz the vicinitie of bloud, and abilitie of ſubſtance, was bolder to make his mone foz helpe of this his aduerſitie, then vnto anie other. But (farre contrarie to his expectation, and againſt all humanitie) whence your ſaid Ozatrices pooze huſband looked foz moſt ſuccour, thence he receiued, not onely leaſt help, but alſo moſt hurt. Foz the ſaid &c. well perceiuing thaduerſe eſtate that your Ozatrices pooze huſband was, and is in, which was the greedineſſe of the Marchant foz his money, therneſt thought and care of your pooze Ozatrix, and her pooze childzen, and the great deſire that her ſaid pooze huſband had (as any man would) of liberty, and diſcharge of trouble, would by no meanes pzomiſe his helpe vnto her ſaid pooze huſband herein,

herein, vnleſſe he would be content to bargaine and ſell all his lands, amounting to the yearely rent of &c. vnto him the ſayd &c. for an Annuity of xx. li. ſterling to him, during his life, and for the ſumme &c. whereof &c. to be paide in hand, whereunto your ſaid poore Oratrices huſband, through the conſtraint of his ſaide caſe, was compelled to agree, and to ſeale ſuch writings as the ſaide &c. not long after hee brought to him Indentures cõcerning the bargaine, nothing doubting of &c. being his coſin, but that they would haue ſealed to none other, but onely ſuch as conſcience would ſtand with, at which time the ſame &c. neither paide nor profered any peny of the ſaid &c. according to his couenant, with delay of paiment, both againſt his promiſes and couenant: After her ſaid poore huſband had ſtudied vpon, and therewithall read ouer the couenants compriſed in the ſaide Indentures of this bargaine, which indeede (moſt honorable Lord) were ſo parcially deuiſed for the behooke of the ſaid &c. and againe, ſo ſore againſt your ſaide poore Oratrices huſband, as (if the bargaine had taken effect) had bin to the vtter vndoing of him and her, with all their heires for euer, your ſaide poore Oratrices huſbande, taking hold on the point that the ſaid &c. paied not the foreſaide &c. did at their next meeting, renounce and ſay, that he would not ſtand to the ſaide couenants and bargaine, whereunto the ſaid &c. partly acknowledging in that he had not paide nor profered this &c. ſaide before ſufficient witneſſes here ready to be ſworne, he was contented, howbeit he ſaid, that your ſaide Oratrices poore huſband ſhould pay for the making of the writings: For the payment whereof her ſaid huſband, as then hauing no great ſtore of mony, was faine to giue him a gold Ring in pledge, to pay the ſcribe for writing of the ſame: All this notwithſtanding (moſt honourable Lord) and that your ſaid poore Oratrices huſbande, hath often and ſundry times ſince by many waies & meanes required the ſame writings, cõcerning the ſaid bargaine of the ſaid &c. he againſt all naturall loue and humanity, nothing more coueting, then the extreame deſtruction of her, and her ſaide poore huſband, and well perceiuing how farre he is now vnable to helpe himſelfe, hath vtterly denyed to render the ſame, and yet doth, contrary to all conſcience, equity, lawe or right: In conſideration whereof, may it like your honourable Lordſhip, of your accuſtomed pity, to call the ſaid &c. before you, together with the huſband of your ſaide poore Oratrix, and there to will him to deliuer the ſaide writings againe to her huſband, if it ſhall ſo ſeeme good vnto your honor, or els to ſhewe ſufficient matter why hee ſhoulde keepe the ſame. And your ſaid Oratrix, with her poore huſband, and their poore children ſhall pray &c.

A bill

A bill of a title of Copyhold lands, praying an Iniunction.

A HAmbly complayning &c. your daily Oratoꝛ W. S. otherwiſe named W. T. of L. coſin and heire of J. S. otherwiſe called J. T. while he lyued &c. That whereas your ſaid Oratoꝛ at your Loꝛdſhips laſt being at &c. did exhibit vnto you a certaine bill of complaint, mencioning therein that the foꝛeſaid J. S. otherwiſe called J. T. in his life time was ſeiſed, of, and in certaine Cuſtomarie lands & tenements, that is to ſay, of, and in &c. holden by Copie of court Roll of the manoꝛ of &c. at the wil of the Loꝛd of the ſaid manoꝛ, accoꝛding to the cuſtome of the ſame manoꝛ, of which one T. L. then was, and yet is Loꝛd, And that the ſame J. S. ſo being ſeiſed of the pꝛemiſſes, afterwards of like eſtate died thereof by pꝛoteſtation ſeiſed, after whoſe death the ſaid &c. with the appurtenances, and the right, title, vſe, poſſeſſion, and inheritance thereof diſcended and came, and of verie right ought to diſcend and come vnto your ſaid Oratoꝛ as coſin & next heire of the ſaid J. S. that is to ſay, as yongeſt ſonne of J. yongeſt ſonne and heire of the ſame J. S. accoꝛding to the auncient cuſtome of the ſaide manoꝛ. And that your ſaide Oratoꝛ had often and ſundꝛy times deſired and pꝛayed the ſaid &c. that with lawfull warning vnto the tenants of the ſaid Loꝛdſhip, a Court might be holden at the ſaide manoꝛ, by whoſe inquirie, the title of your ſaid Oratoꝛ might be pꝛeſented and found in the pꝛemiſſes, accoꝛding as both iuſtice, right, and good conſcience do require: Howbeit moſt honoꝛable Loꝛd, that notwithſtanding, foꝛ aſmuch as the ſame &c. hath kept the pꝛemiſſes in his owne handes theſe many yeares paſt, and the pꝛofites and iſſues thereof comming, hath by the ſame ſpace to his owne pꝛoper vſe receiued & taken, and yet doth, your ſaid pooꝛe Oratoꝛ could neuer get the ſame &c. to hold a Court there, minding thereby vtter diſheriting vnto your ſaid pooꝛe Oratoꝛ, of, and in the pꝛemiſſes: Untill ſuch time as your ſaide moſt honoꝛable Loꝛdſhip, moued with your accuſtomed loue to Juſtice, and pitie towards pouertie, vouchſafed to graunt your benigne letters directed to the ſaid &c. willing him thereby with lawfull warning giuen vnto the tenants of the ſaid Loꝛdſhip, to ſummon and keepe a Court at the ſaide manoꝛ, foꝛ the triall of the right of your ſaide Oratoꝛ in the pꝛemiſſes, vpon the receipt of which letters, the ſaide &c. ſummoned and kept a Court at his ſaid Manoꝛ of &c. whereat vpon the open and plaine declaration of your ſaid Oratoꝛs title, together with the examination of diuers witneſſes, bꝛought in by your ſaid Oratoꝛ, foꝛ the due pꝛoofe of the ſaid title in the pꝛemiſſes: And further, vpō the ſhewing of ſuch ſubſtanciall and anncient euidences maintayning the ſame, the Homage therewith charged and ſwoꝛne did pꝛeſent & find at the ſaid &c. (before Sect. 139.

J. S.

I.S. Steward of the same Court) that the foresaid I.S. was possessor, and held the premisses by Copie of court Roll, according to the custome of the said manor: And that also your said Orator was cosin and heire to the said I.S. according to the custome of the manor: that is to say, sonne of I. ponger sonne of &c. as by the Copie of the same court Rols ready to be shewed more plainly may appeare vnto your good Lordship. After which presentment at the same Court, it was agreed betwixt the said Steward, in the name of the said &c. and your said Orator, that if the said &c. would not declare and show vnto your said Orator, or to his learned Counsell at London, within one Terme then next insuing, a better title and interest to the foresaid premisses, then your said Orator had then and there already proued, that then your saide Orator should haue and inioy the premisses to him, and to his heires, according to right, equitie, and good conscience, and according to the custome of the said manor. But so it is (most ho. Lord) that although the said &c. as he cannot, so hath he not by the said space prooued any maner of title, or colour of title to the premisses, but onely with such and like fraudulent delayes, he intendeth to weary your said Orator from the obtaining of the premisses, and if he can, disherite him from the same: Wherefore, may it &c. of your accustomable goodnes alwayes to pouertie extended, to graunt vnto your said Orator, the Q. most gracious writ of Subpena, to be directed to the said &c. commaunding him by the same, not onely to appeare personally before your good Lordship in the high Court of Chauncery, at a certaine day, and vnder a certaine paine by your good Lordship therein to be limitted: but also to permit and suffer your said Orator peaceably to haue, hold, occupie, possesse, and inioy the premisses aforesaid, and the profits and issues of the same, vntill such time as the same &c. hath duely approued better Title to the premisses, then he hath heretofore done. And your said poore Orator shall &c.

A bill of complaint for Debt without especialtie.

Sect 140.

IN most humble wise sheweth and complayneth vnto your good Lordship, your daily Orator and poore bedeman I.G. of H. in the countie of D. That where the said I.G. by way of prest, at the feast of Pentecost, in the xxxiiii. yeare of the raigne of our Soueraigne Ladie the Queenes Maiestie that now is, did deliuer vnto one W.L. late of H. in the said countie of D. the summe of xviii. pound, of lawfull money of England, to be paied vnto him at the feast of Saint A. then next insuing, before which day the said W.L. by his last will and Testament, constituted and made one E. then his wife, his executrix, and dyed, and left vnto the said E. then his executrix, of his owne proper goods (all A

his

his debts paied) the ſumme of one hundred pounds, of whom your ſaid Orator ſundrie and many times hath required payment of the ſaid xviii. pound, which to content and pay, the ſaid E. did neuer vtterly denye, but did require reſpite for the payment of the ſame, and before the ſaide E. did content and pay any penie of the ſaid xviii. pound the ſaid E. in her death bed, by her laſt will and teſtament, did conſtitute and make one I. S. her ſonne her executor, and dyed, and left to him ſufficient of the goods of the ſaide W. for the contentation and payment of the ſame xviii. pound, and after dyed, ſithence whoſe death the ſaide complaynant, dayly, ſundrie, and many times required the ſaide I. S. to content and pay vnto him the ſaide ſumme of xviii. pound, which to do, he hath at all times refuſed, and yet doth, contrarie to right and good conſcience, to the vtter vndoing of your poore Orator for euer. And for becauſe your Orator hath no ſpecialtie, whereby he ſhould charge the Executor or the Executrix of the ſaide W. L. he is therefore without remedie by the order of the common Law of this Realme, and is like vtterly to looſe the ſaide xviii. pound vnleſſe your gracious fauour be to him ſhewed in this behalfe: In tender conſideration whereof, it may therefore pleaſe your good Lordſhip (the premiſſes conſidered) to graunt the Queenes writ of Subpena, to be directed to the ſaide I. S. commaunding him by the ſame perſonally to appeare before your good Lordſhip, in the Queenes moſt gracious Court of Chauncerie &c.

The anſwere of the ſame Bill for xviij. pound lent without ſpecialtie.

A THe ſaide I. S. by proteſtation not knowing that the ſaide Complainant did deliuer the ſaide W. L. in the ſaide bill named, the ſumme of xviii. pound, or any part thereof by way of preſt, as in the ſaid bill is ſurmiſed: He further ſaith, that the ſaid bill of complaint is vncertaine and inſufficient in the Law to be anſwered vnto, and much of the matter therein contained, is fained and imagined, for vexation and trouble of the ſaide I. S. notwithſtanding, the aduantage thereof to him at all times ſaued: The ſaid I. S. for further anſwere vnto the ſaide bill, ſayth, that long time before the ſaide E. L. was conſtituted and made Executrix vnto the ſaid W. L. the ſaid E. was maried vnto one R. S. father of this defendant, by the ſpace of twentie yeares and more, which ſaid R. S. by his laſt will and teſtament, conſtituted, ordeyned, and made the ſaid E. and the ſaid I. S. his Executors, and dyed, and left to the order and diſpoſition of the ſaid Executors, goods and cattels of his owne, to the value of two hundred pounds ſterling Sect. 141.

and aboue. All which goods and cattels for the most part of the same, being and remayning in the hands and custodie of the saide E. she the same E. married and tooke to husband the said W.L. which saide W. after the marriage had betweene him and the said E. did mispend, waste, and consume of the said goods and cattels late of the same R.S. to the value and summe of 140.l. sterling and aboue. And after the said W. L. by his last will and Testament ordeined and made the saide E. executrix thereof, & died a verie poore man, hauing no maner of goods nor cattels at the time of his death of his owne, to the value of twentie shillings sterling. And afterward the said E. by her last will, ordeined this defendant executor thereof, and died, sithen whose death there hath not come to the hands of this defendant of the goods late of the said W.L. to the value of 20. shillings sterling, without that, that the said W.L. at his death left vnto the saide E. of his owne proper goods, to the summe of an hundred pounds, ouer his debts paid, or yet the summe of twentie shillings sterling, or that the said E. after the death of the said W.L. did euer consent or agree to pay the saide eighteene pound vnto the said complainant, or did require him to respite the paiment thereof, or that the said E. at the time of her death, left vnto the said defendant sufficient of the goods of the saide W.L. for the contentation and payment of the saide 18.l. as in the sayde bill of complaynt vntruly is surmised. And without that, that any other thing comprised in the saide fained bill of the aforesaid J.S. which is materiall to be answered vnto, and in this answere not confessed, auoided, or trauersed, is true. All which matters &c.

A bill of Complaint vpon certaine griefes, requiring a writ of Certiorari.

Sect. 142.

IN most lamentable wise sheweth vnto your good Lordship, your dailie poore Orator J. W. of London, That where one A. H. of London aforesaide Marchant Taylor, borowed of your saide Orator twelue pounds sterling, to be paied to the said &c. at a certaine day betweene them agreed, which day was expired, and the said summe of money not payed, wherfore the said A. for that he had not ready money, desired your suppliant, to take a certaine white broad cloth in pawne, containing fortie yards, cut in peeces, for the saide twelue pounds, which cloth was sold and deliuered to your saide Orator by a Bill of sale, wherein the said A.H. standeth bound, with Condicion in the same bill declared, That if the said Cloth were not redeemed by a day certaine in the said bill limitted, that then the same cloth to be to the only vse of your saide Orator, for contentation and whole payment of the said

ſaid twelue pounds. Since the which time the ſaide A. counſelled your ſaid Oꝛatoꝛ to put foꝛth the ſaid cloth to one L. M. of London Shereman, to be died of ſeuerall coloꝛs foꝛ his moſt pꝛofit, by the meanes whereof, the ſaid M. was contented to take the ſaide bꝛoad Cloth foꝛ the payment of the ſaide money, and afterward the ſaide cloth was deliuered to the ſaide L. M. and within fiue dayes after the deliuery of the ſaide Cloth to the ſaide L. one R. M. Spaniard affirmed a plaint of debt againſt the ſaide A. and accoꝛding to the cuſtome of the Citie of London, hath cauſed Attachment to be made of the ſaide bꝛoad Cloth, as debt due by the ſaide A. vnto the ſaide R. whereas the ſaide Cloth is your ſaide Oꝛatoꝛs: Notwithſtanding by reaſon of the ſaide Attachment, your ſaide Oꝛatoꝛ retayned Counſaile in the Guildhall of London, where the matter was at an iſſue, whereupon the Jurie was impaneiled, ſince the which time foꝛ the ſpace of thꝛee Court dayes, your ſaide Oꝛatoꝛ did giue attendance there to haue the ſaide matter heard, and the ſaide Plaintife and Counſaile would not ſuffer the ſaide Jurie to appeare, ſo long as your ſaide Suppliant did apply and purſue his cauſe with effect herein. And foꝛ that the ſaid R. and his counſaile would not pꝛoceede in his ſaid action, your ſaid Oꝛatoꝛ ſuppoſed, that it ſhould no moꝛe be called vpon, by occaſion whereof your Oꝛatoꝛ being about his buſineſſe in the countrey, in the meane time, the ſaid L. M. with his Counſell (hauing knowledge that your ſaid Oꝛatoꝛ was out of the Citie, and in the Countrey) inſtantly laboured the Jurie to appeare in the abſence of your ſaide Oꝛatoꝛ, and by their ſubtiltie and craft, the ſaide Jurie did appeare, and paſſed againſt your ſaide Oꝛatoꝛ, contrarie to all right, Lawe, and good conſcience, which ſhall be to the great impoueriſhment and vndoing of your ſayde Oꝛatoꝛ foꝛ euer, vnleſſe your good Loꝛdſhips lawfull fauour and ſuccour be to him ſhewed in this behalfe. In conſideration whereof, might it therefoꝛe pleaſe your good Loꝛdſhip to graunt the Queenes wꝛit of Certiorari to be directed to the Maioꝛ and Sheriffes of the Citty of London, commanding them and euery of them by vertue of the ſame, to certifie befoꝛe your good Loꝛdſhip in the Queenes moſt honoꝛable Court of Chauncery, at a certaine day by your good Loꝛdſhip to be limitted, the ſaide attachment, and all the matter concerning the ſame, and to examine the ſaid matter, and all the whole circumſtance thereof, and to ſtand to ſuch oꝛder and direction therein, as ſhall ſtande with right, equity, and good conſcience. And your ſaid Oꝛatoꝛ ſhall pꝛay to God foꝛ the pꝛeſeruation of your good Loꝛdſhip long to continue.

Supplications, Bils,

A Bill where a Iurie hath passed in a matter wrongfully praying a Cerciorari.

Sect. 143.

IN most humble wise sheweth and complaineth vnto your most Honorable good Lordship, your poore suppliant and continuall Orator P. of W. of the Citty of L. Broker, that whereas one A. H. of the said Citty Marchant stranger, within the saide City was possessed of, and in certaine linnen clothes, to the valew of xx. pound sterling, and to your poore suppliants knowledge then, and as yet as of his owne meere proper goods and chattels, and so thereof being possessed, the same within the said Citty deliuered to your poore Orator being a Broker, safely to keepe and to sell and marchandise by the discretion of your poore suppliant, to the vse of the said A. by force whereof your Orator made sale thereof to certaine persons within the same City, and the mony, goods, and marchandises thereof receiued and taken, deliuered vnto the said A. And so it is right honorable Lord that after and since the sale thereof made, one I. S. Marchant stranger, pretending a property in the foresaid linnen clothes, hath commenced an action vpon his case against your poore suppliant in the Guildhall, set and being within the foresaid City before the Sherifes thereof, and thereupon hath declared that the saide I. should haue lost those goods, and that they came to the hands and possession of your poore suppliant within the said city by way of trouer. And furthermore that your poore Orator was sundry times required to make deliuerance thereof to the said I. and that refused, and the same afterward sold, and the mony thereof receiued conuerted to your orators vse, to which matter one I. D. your poore suppliants atturney, rashly without aduisement or counsell therein taken, said that your poore orator did not sell the said clothes, nor any part therof, and vpon the same matter, whether any sale thereof was made by your suppliant or not, an issue was taken, and the Iurie tried, sworne, and charged, found a sale made by your poore orator of the saide clothes (as the truth was) nothing regarding to whom the property of the saide goods was at the time of the sale thereof made, because of the plee so vnaduisedly pleaded, it was confessed in point of iudgement, the property thereof to be in the said I. T. and so it is, right honorable Lord, that the said atturney might haue taken an issue that your said orator sold no clothes of the saide I. because of trueth the clothes were the proper clothes of the said A. and not the clothes of the said I. and so the Iurie should haue tried in whom the propertie was, and because the property was not put in issue, the Iurie had no warranty to enquire thereof, and in case they had bin the clothes of the said I. as they were not indeed, your poore orator ought not by the order of

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the law to haue bin charged, becauſe they were deliuered to your Oꝛa-toꝛ by the hands of the foꝛeſaide A. to ſell, and your Oꝛatoꝛ did accoꝛ-dingly. And the money, goods, and Marchandizes thereof receiued, de-liuered to the ſaid A. and ſo if any treſpas oꝛ wꝛong was done to the ſaid I. it was done by the ſaide A. and not by your ſaide Oꝛatoꝛ, againſt whom the ſaide I. may take his action. Foꝛ your pooꝛe Oꝛatoꝛ at the time of the ſaide action commenced, neither had the ſaide goods in his poſſeſſion, ne any other things in lieu oꝛ conſideration of the ſame goods. And alſo there is a cuſtome within the ſaide Citie, that if any Upholſter oꝛ Bꝛoker ſell any goods within the ſame citie to any perſon oꝛ perſons of the ſame citie vpon the deliuery of any perſon, foꝛ, oꝛ at the requeſt of him hauing witneſſe of ỹ deliuerie thereof to him made, oꝛ bꝛing out the partie who deliuered them vnto him, not being himſelfe particeps criminis, ſhould be diſcharged and not dampnefied, foꝛ that his offence doing in making ſale thereof. And alſo by the oꝛder of the common lawes of this Realme, a man comming immediatly to the poſ-ſeſſion of the goods, not being partie to the firſt wꝛong, ſhall not be charged in an Action of treſpas, which matters, oꝛ any of them, if they had bin pleaded, had bin a ſufficient matter of barre, and becauſe they were not pleaded, your pooꝛe ſuppliant could not be receiued to giue them in euidence to the Jury, and ſo your pooꝛe Oꝛatoꝛ is like to pay vnto the ſaid I. the value of the ſaide clothes, the ſaid I. hauing no pꝛo-perty, right, noꝛ title to the ſame, vnleſſe your moſt ho. Loꝛdſhips fauour be ſhewed herein: In conſideration whereof, it may pleaſe your moſt ho. Loꝛdſhip the pꝛemiſſes tenderly conſidered, to graunt the Kings moſt gracious wꝛit of Cerciorare, to be directed to the Shirife of the ſaide City, commaunding them, and euery of them to certifie befoꝛe your good Loꝛdſhip the whole recoꝛd of the pꝛemiſſes depending be-foꝛe them, oꝛ either of them in the Kings moſt gratious court of Chauncery, at a certaine day by your good Loꝛdſhip to be limitted, and therein further to pꝛoceede, and further to graunt the Queenes moſt gratious and ſpeedy wꝛits of Subpena to be directed to the ſaid I. com-manding him perſonally to appeare befoꝛe your good Loꝛdſhip in the ſaid court of Chauncery at a certaine day, and vnder a certaine paine by your good Loꝛdſhip to be limitted therein, to ſtand to &c.

A bill containing that the plaintife taking vp of a Mercer vpon his credit Silks and Veluets, put his hand to the debt booke of the parcels of the said Silks and Veluets, witnessing his debt for the same: and afterwards the plaintife for the better securitie of his said debt made him a bill of his hand for the same debt: and that the plaintife afterwards at the desire of the Mercer procured his eldest brother to become bound to the saide Mercer for the payment of the plaintifes saide debt vpon the Mercers promise to take no aduantage thereof vntill after the death of the plaintifes father. Afterwards the Mercer dyeth intestate, and the administration of his goods is committed to R. A. by a practise of the Mercers creditors. The administrator bringeth an accion of debt against the said plaintife vpon his said bill of debt: and also threatneth to sue the plaintife and his brother vpon the said booke of parcels, and the bond: and then sheweth that he tendred the debt to the Administrator, who refused the same, and so prayeth proces.

To the Right Ho. Sir Io. P. Knight, Lord Keeper of the great Seale of England.

Sect. 144. IN most humble wise complayning sheweth vnto your Ho. Lordship your daily Oratoz T. D. Gentleman: That whereas your Oratoz being of late seruant in houshold to the right Ho. Sir C. H. Knight of the most noble ozder of the Garter deceassed, late Chancellor of England, hauing then small maintenance from I. D. of D. in the Countie of C. Esquier his father, did make his estate knowne to one N. B. of London Mercer now deceassed, being your said Ozatoz s very neere kinsman, who was content to giue your said Ozatoz credit foz diuers parcels of Silks and Ueluets, at sundzie times amounting in the whole to the somme of 22. l. oz there abouts, foz the which your Ozatoz did subscribe his hand to the debt booke of the said N. B. wherein the said parcels of Silks were set downe vnder the same parcels witnessing the said debt. And at an other time after that, your saide Ozatoz did seale and deliuer vnto him a bill of your Ozatozs hand foz his better securitie of the payment of the said debt. And afterwards because your Ozatoz was but a yonger bzother, the said N. B. desired your Ozatoz to pzocure his eldest bzother P. D. sonne and heire apparant of the saide I. D. foz the better securitie of the said debt to become bound to the said N. B. by Obligation foz the payment of the said debt, pzomising neuertheless to take no aduantage of the said Obligation, noz to put the same in suite during the life of the said I. D. whereupon the said P. D. at your Ozatozs request did become bound to the said N. B. by Obligation accozdingly, and your Ozatoz did then seale and deliuer to the said P. D. his bzother a Counterbond to saue him harmeless from the

the ſaid Obligation. So as the ſaid N. B. by the ſeuerall meanes afore-ſaid had three ſeuerall kinds of aſſurances or ſpecialties for one and the ſelfeſame debt, that is to ſay his debt booke ſubſcribed with your Orators hand, a bill of debt ſealed and deliuered vnto him by your Orator, and an Obligation ſealed and deliuered vnto him by the ſaide P. D. And now ſo it is if it may pleaſe your good Lordſhip that the ſaid N. B. is lately deceaſſed, after whoſe deceaſſe the adminiſtration of his goods and cattels is committed to one R. A. an vnknowne perſon that cannot be found whoſe name is but vſed by others in all vnconſcionable ſuits. For if it may pleaſe your good Lordſhip, R. S. Alderman of London, R. W. and F. S. pretending themſelues to be creditors of the ſaid N. B. hauing procured the ſaid bill of debt and obligation to be ſet ouer vnto them, haue thereupon not onely commenced ſuit in the Queenes Maieſties Court of Common Pleas at Weſtminſter, in the name of the ſaid R. A. as adminiſtrator of the goods and cattels of the ſaid N. B. againſt your ſaid Orator vpon his ſaid bill of debt of 22. l. but alſo do threaten to commence one other ſuit againſt your ſaid Orator vpon the ſaid debt booke, and a like ſuit againſt the ſaid P. D. vpon the ſaid Obligation. And albeit your ſaid Orator haue diuers and ſundry times offered and tendered to pay the ſaid debt of 22. pound to the ſaid adminiſtrator, with ſuch reaſonable coſts and expences as hath bin by him expended, and beſtowed in the ſaid ſuit at the Common lawe, and is ready to pay the ſame. Yet neuertheleſſe the ſaid R. A. R. S. R. W. and F. S. do refuſe to accept thereof. And the ſaid R. S. &c. do very hotely proſecute the ſaid ſuit at the common lawe in the name of the ſaid R. A. contrarie to equitie and conſcience, and do procure and cauſe the ſaide R. A. to abſent himſelfe ſo as your ſaide Orator cannot tell where to finde him to deliuer vnto him any proces to compell him to anſwere to his ſaid vnconſcionable dealing, and yet the ſaid ſuit at the Common lawe is ſtill proſecuted in his name by the meanes and procurement and at the coſts and charges in lawe of the ſaid R. S. &c. or by ſome of them who haue procured the ſaid debts to be aſſigned and ſet ouer vnto them as is aforeſaid. In conſideration whereof, and for that it is againſt all conſcience to take aduantage of the ſaid treble aſſurances made for one ſelfeſame debt: And for that your ſaid Orator is remedileſſe therein by the due courſe of the common lawes of this realme, and for that your ſaid Orator is readie to pay the principall debt being 22. pound, together with reaſonable coſts of ſuit. May it therefore pleaſe your good Lordſhip to graunt vnto your ſaid Orator the Queenes Maieſties moſt gracious writs of Subpena to be directed to the ſaide R. A. R. S. &c. commaunding them and euery of them to appeare perſonally before your good Lordſhip in her Maieſties high

court of Chauncery, at a certaine day, and vnder a certaine paine therein to be by your good Lordship limitted, then and there to answere to the premisses, and to stand vnto and abide such further order and direction therein as to your good Lordship shall seeme to stand with iustice and equitie, and your said Orator shall dayly pray &c.

A bill containing that a Widow seazed in fee of three messes &c. thereof enfeoffed diuers persons in fee for the performance of her last will and testament, and by the same she deuised the said measses &c. to her sonne in taile generall with diuers remainders ouer and dyed, That the deuisee dyed, hauing issue the plaintife. That the feoffment and will is come to the defendants hands. That by cullour thereof he hath entred and expulsed the plaintife, and hath made diuers secret estates to diuers vnknowne persons to defraude the plaintife of his apt remedie by the common lawe, and so prayeth proces against the defendant.

To the Right Honorable Sir T. E. Knight, Lord Keeper of the great Seale of England.

Sect. 145.

IN most humble wise complayning sheweth vnto your good Lordship your dayly Orator I. B. labourer. That whereas R. G. Widowe was lawfully seazed in her demesne as of fee of and in three messes twentie acres of land, meadow, leasowe and pasture, with the appurtenances, set, lying, and being in M. in the Countie of B. And the said R. G. being so seazed of all the premisses, did of the same about foztie yeares last past enfeoffe certaine persons, To haue and hould to them and their heires to the vse and performance of the last will and testament of the saide R. G. and by the same her will deuised all the premisses or the vse thereof to her sonne W. B. and to the heires of his body lawfully begotten, with diuers remainders ouer and dyed, by and after whose death, the said W. B. into the premisses entred, and was thereof lawfully seazed in his demeasne as of fee tayle generall by force of the gift aforesaid. And the said W. B. so being seazed of the premisses died of such an estate thereof seased, by and after whose death the same premisses did discend and come to your said Orator, as sonne and heire of the body of the said W. B. by force of the deuise aforesaide, by reason whereof your saide Orator into the premisses entred, and was thereof seazed in his demesne as of fee by force of the saide gift in taking the issues and profits accordingly, vntill of late, that is to say, about foure yeares last past, that as well the saide deede of feoffment and last will and testament aforesaide, as also diuers other euidences, charters, escripts and mininents concerning the premisses, are by casuall meanes come to the handes, custodie, and possession of one R. W.

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of S. aforeſayde in the ſayde Countie yeoman, who by cullour of hauing of them, hath not onely entred into the premiſſes, and thereof expulſed your ſayde Oratour, but alſo hath contriued diuers ſecret eſtates to diuers and ſundry perſons to your Oratour vnknowne in purpoſe to defraude and delay your ſayde Oratour of his apt action and remedie by the courſe of the common lawes of this realme, for recouerye of the premiſſes, to your Oratours vtter vndoing, and diſinheritance for euer. And for as much as your ſayde Oratour knoweth not the certayne number, nor the dates and contents of the ſayde Euidences, Charters, Eſcripts, or Miniments, nor yet wherein the ſame be contayned, whether in bagge, or bore, ſealed, or vnſealed, or in cheſt locked or vnlocked, by reaſon whereof your ſayde Oratour is clearely without all remedye for the recouerie thereof by the ordinarie courſe of the common lawes of this Realme. In tender conſideration whereof, may it pleaſe your good Lordſhip, the premiſſes conſidered, to graunt vnto your ſayde Oratour the Queenes Maieſties moſt gracious writ of Subpena, to be directed vnto the ſayde R. W. commaunding hym thereby perſonally to appeare before your good Lordſhip in the Queenes Maieſties high court of Chaunceryе at a ſhort day, and vnder a certayne payne therein to be limited, then and there to anſwere to the premiſſes, and to abide ſuch order and direction therein, as to equitie and iuſtice ſhall appertayne. And your ſaid poore Oratour ſhall dayly pray as he is bounden for the health and long life of your good Lordſhip, with all increaſe of honour to Gods will and good pleaſure.

A bill againſt two for the deliuerie of heyreloomes or principalls to the plaintife being ſonne and heire, according to the cuſtome of the Countie Pallantine of Cheſter.

To the Right Honorable Sir Nicholas Bacon Knight, Lord Keeper of the great ſeale of England.

A COmplayning, ſheweth vnto your good Lordſhip your dayly Oratour I. S. of Lincolnes Inne Gent, ſonne and heire of I. S. of D. within the Countie of C. That whereas the ſayde I. S. was in his life time lawfully poſſeſſed of and in diuers goods and Chattels as of his owne proper goods, that is to ſay, Plate, Jewels, houſhold ſtuffe, beaſts, cattaile, horſes, and other manner of goods, amounting to the value of fiue hundred pound or neere thereabouts, and ſo being thereof poſſeſſed, made his teſtament and laſt will, ordeyning thereof Elizabeth then his Wife, and nowe Wife to B. P. his ſole executrix, and ſhortly after dyed, poſſeſſed of the premiſſes as aforeſayde Sect. 148.

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within the said Countie of C. Immediatly after whose death, the said E. did take vpon her the administration of the said goods and other the premisses accordingly, by vertue whereof she was thereof possessed accordingly. But so it is and please your Honor, that the custome of all the countrie within the said Countie of C. is and time out of minde of man to the contrarie hath beene, that if any person or persons being possessed of goods and cattels as of his owne proper goods and cattels and dye thereof possessed, that the next heire to him that so dyeth possessed shall haue the best and principall thing of euerie sort and kinde of the said goods and cattels for and in the name of the principals and heire Lomes, by force & vertue whereof your Orator being the sonne and heire of the said I.S. was after the death of the saide I.S. iustlie entituled to a great part of the said goods and cattels amounting at the least in value to 200. pound or neere thereabouts, by reason whereof, and for that your said Orator was at the time of the death of his saide father vnder age of xxi. yeares, and yet is and in ward to the Queenes Maiestie, and hauing the possession of so much of all the said goods and cattels as to your said Orator did appertayne, and of right belong by vertue of the custome aforesaid, being verie neere to the value of two hundred pound by deliuerie of the saide E. in her Widowhood immediatly after the death of the saide I.S. your saide Orator did incontinently thereupon deliuer the same to the said E. to be safely by her kept to your saide Orators vse, and to be in like maner safely redeliuered to your saide Orator at such time or times as by your saide Orator or his assignes she should be thereunto required sithence which said redeliuerie made by your said Orator to the said E. as aforesaid the said E. hath taken to husband one B.P. Gent, by reason whereof all the said goods, cattels, and other the premisses were and did come after the said entermariage into the hands and possession of the same B.P. which said E. sithens the said deliuerie made by your said Orator vnto her as aforesaide before the day of entermariage, hath vtterly refused to make any redeliuerie of the said goods and cattels so by your said Orator to her deliuered as aforesaid, or yet to make any satisfaction thereof to your said Orator, and the said B. and E. alwaies sithens the saide entermariage haue refused and yet do refuse to redeliuer the same, or yet to make any satisfaction therefore to your said Orator, notwithstanding many lawfull and gentle requests to you and either of them made in that behalfe by your said Orator contrarie to all right, equitie and conscience. In tender consideration whereof, and forasmuch as your said Orator doth not know or remember the certaine or precise perticulars or valew of the said goods and cattels which of right do belong to your said Orator, and deliuered by your said Orator as aforesaid, by reason

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of your ſaid Orators then tender age being not then of diſcretion to haue the cuſtodie and rule thereof, and ſo remedileſſe by the order of the common lawe for the recouerie thereof, or of any part thereof, or to haue any ſatisfaction made to your ſaid Orator by the ſaide B. and E. or by either of them. It may therefore pleaſe your good Lordſhip the premiſſes conſidered, to graunt the Queenes Maieſties writs of Subpena to be directed to the ſaide B.P. and E. his wife, commaunding them and either of them to appeare before your good Lordſhip in the Queenes Maieſties moſt honorable court of Chauncery at Weſtminſter, then and there to anſwere to the premiſſes, and therein to ſtand to abide and performe ſuch order and direction as to your good Lordſhip ſhall be thought to ſtand and be conſonant to equitie and good conſcience, and your ſaid Orator ſhall dayly pray to God for your good Lordſhip in health and honor long to continue.

A bill (by a noble man) containing that the plaintife tooke vp vpon his credit Veluets and Silks of the defendant at a deere rate, and gaue his owne bond with ſuerties for the payment of the ſame: and that afterwards he tooke vpon his credit of him more Veluets and Silks at the like deere rate, and being within age knowledged a ſtatute ſtaple to the defendant for all his whole debt, vpon his promiſe to deliuer to the plaintife his obligation which he had made for his firſt debt to be cancelled, the plaintife allowing intereſt to the defendant for the forbearance, notwithſtanding the deere prices and rate he bought the ſtuffe at for which the ſaid debt grew, and then ſheweth that he paid not his debt at the day contained in the ſtatute ſtaple, and that the defendant threatneth not only to ſue the ſaid bond, but alſo to ſue execution of the ſaid ſtatute againſt him, and prayeth deliuerie or releaſe of his obligation and proces againſt the defendant to anſwere the bill.

To the Right honorable Sir Chriſtopher Hatton, of the moſt noble order of the Garter, Knight, Lord Chauncellour of England.

A COmplayning ſheweth vnto your good Lordſhip E.S. Lord D. That whereas he the ſaid Lord D. during ſuch time as he was vnder the age of 21. yeares at ſundrie times had and bought of one I.L. Citizen and Mercer of London diuers parcels or peeces of Veluet, Silke, and ſuch like at exceſſiue prices, and not hauing then readie money to pay for the ſame, the ſaide Lord D. together with one R.S. Gent and others did enter into ſundrie bonds to the ſaide I.L. for the payment thereof at ſeuerall dayes after, alwayes allowing vnto the ſaid I.L. ouer and beſides the exceſſiue prices which he was to pay for the Sect. 147.

the same Veluets and Silks further consideration, or rather as it may be said vsurie for the forbearing thereof till the time of payment. And afterwards the said Lord D. during the time of his minoritie aforesaid, had and did buy other parcels of Veluets, Silks, and such like of the said I.L. at like excessiue prices, which likewise the said Lord D. did not then pay for the prices or summes of money whereunto the said parcels of Veluets, Silks, and such like lastlie had and bought after the like excessiue prices and rates, together with the saide prices or summes of money before due for the other parcels formerly had and bought by the said Lord D. together with cõsideration or rather vsurie for the forbearing of and for the payment thereof till a certaine time then agreed vpon betweene the said Lord D. and him the said I.L. did amount & come to the summe of 500. pound, for the payment of which said summe of 500. pound at the time agreed vpon he the said Lord D. at and vpon the motion, meanes and intreatie of the said I.L. did during the time of the minoritie of him the said Lord D. become bounden by one statute staple vnto the said I.L. in the summe of one thousand pounds of good and lawfull money of England, taking the word and promise only of the said I.L. to deliuer vnto him the said Lord D. or his saide sureties the saide bonds which before he the said Lord D. and his said suerties had entred into to the said I.L. or otherwise that he the saide John should and would cancell and make voyde the same, so as thereby or by reason of any of the saide bonds the said Lord D. nor any of his saide suerties should be in any wise sued, vexed, troubled, or charged. But now so it is, and it may please your good Lordship, that the said I.L. although he hath beene thereunto in most gentle and friendly manner earnestly requested and desired by the saide Lord D. the saide R.S. and other the saide sureties of the said Lord D. to deliuer vnto them the said bonds so by them made, and entred into to the said I.L. as is aforesaid, or otherwise to cancell and make voyd the same, yet that to do the said I.L. hath vtterly refused and denyed, and still doth denye and refuse to do the same. But contrary to his saide word and promise as aforesaid made and giuen vnto the said Lord D. for the redeliuerie thereof, or otherwise to cancell and make voyd the same bonds, doth now dayly threaten to put the same in suit at the Common lawe, against the sureties of him the said Lord D. or else alreadye hath so done contrary to all right, equitie, and good conscience. And besides this, because the sayd Lord D. did not pay vnto hym the sayd I.L. the sayd summe of fiue hundred pound at the time limited for the paiment thereof, which in very trueth he the said Lord D. could not well do vnlesse he should haue made sale of his lands to his great dishonour and losse. And notwithstanding that he the saide Lord D. hath

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ſought and made meanes to the ſaide I.L. to compound with him in ſome reaſonable ſort, and to accept his money at reaſonable dayes, ſuch as he the ſaid Lord D. could and might be well able to ſatiſfye and pay the ſame, the rather conſidering his great intereſt allowed in recompence for the forbearing of time, and giuing day of payment and the exceſſiue prices for which he ſould the ſame Silks, Aeluets, and ſuch like to the ſaid Lord D. yet he the ſaid I.L. hath done and dayly doth ſeeke and go about to ſue execucion, and to take the benefit of the ſaid Statute of one thouſand pounds againſt the ſaid Lord D. contrarie to all equitie and good conſcience. The premiſſes therefore tenderly conſidered, and for as much as the ſaid Lord D. the ſaid R.S. and others the ſaid ſuerties of him the ſaid Lord D. or any of them, cannot pleade any good or ſufficient plea in auoydance or diſcharge of the ſaid Bonds and Statutes, nor of any of them, whereof the ſaid I.L. moſt vnconſcionably ſeeketh and goeth about to ſue, procure and take the penaltie, execucion and forfeiture againſt him the ſaid Lord D. and his ſureties by the ordinarie courſe of the common lawes of this Realme, and the rather, for that alſo the ſaid Lord D. is and will be readie for the further diſcharge of the ſaid R.S. and others his ſaid ſureties, to ſatiſfye and pay vnto him the ſaid I.L. the ſaid ſumme of 500. pound at ſuch dayes and times, and in ſuch maner and forme as to your good Lordſhip ſhall in equitie and right ſeeme meete and conuenient. It may therefore pleaſe your good L. to graunt her Maieſties moſt gracious writ of Subpena, to be directed to the ſaide I. L. commaunding him thereby at a certaine day, and vnder a certaine paine therein to be limited, perſonallie to appeare before your good Lordſhip in her Maieſties high court of Chaunceric, then and there to aunſwere to the premiſſes, and to ſhew cauſe why he the ſaid I.L. ſhould not redeliuer the ſaide bonds to the ſaide Lord D. and his ſaide ſureties, or elſe to cancell and make voyd the ſame, or otherwiſe thereof to releaſe, diſcharge, and ſaue harmeleſſe the ſaide Lord D. his ſaid ſureties, as in right and equitie it behoueth: and further to ſtand to and abide ſuch order and direction therein, as to your good Lordſhip and the ſaid honorable Court ſhall ſeeme beſt to ſtand with equitie and good conſcience.

The Aunſwere of I.L. defendant to the Bill of complaint of Ed. Lo. D. complaynant.

A THe ſaid defendant by proteſtation not acknowledging or confeſſing any matter or thing in the ſaide bill of complaint conteyned materiall for the ſaid debt to be anſwered vnto to be true in ſuch maner and forme as in and by the ſaid bill of complaint is ſet forth & alledged. For aunſwere ſaith that the ſaid complaynant about foure yeares paſt Sect. 148.

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at seuerall times had and bought of the said defendant diuers parcels of Silks, Ueluets, and Wares, amounting vnto the summe of 159. pound foure shillings fiue pence, or there abouts, all which parcels the said defendant did sell vnto the said complaynant for and at reasonable prices, considering the dayes of payment, and for the true payment of some part of the said summe, he the said Lord D. together with the said R.S. in the said bill of complaynt named, and one D.C. being then the said complaynants seruants, did become bound to the said defendant by two Obligations which they forfeited. And long afterwards that is to say in the month of May 1588. the saide Lord D. hauing occasion to vse other necessaryes for himselfe and his Wife, and hauing deteyned the aforesaid summe of 159. pound foure shillings fiue pence from the defendant a long time did in the said month of May 1588. in respect of the said time past allow the sayd defendant for consideration but 26. pound 13. shillings. And in the said moneth of May the saide complaynant at his earnest request had a new supplye of wares amounting to 73. pound fifteene shillings foure pence, and did then accept of and acknowledge certayne parcels had to his vse by the sayd Christoferson, to the value of 3. l. 17. s. 9. d. which foure summes do amount to 255. pound, for all which said debt the complaynant gaue his owne Obligation to the said defendant endorced with condition for the payment thereof the 24. day of June 1588. After which bond for 255. l. taken & before the same was due; viz. about the last day of ỹ said month of May 1588. the saide complaynant standing in neede both of money & other necessary furniture for himselfe, his wife, & house, earnestly did intreate the said defendāt to lend vnto him the said complaynant the summe of 50. l. in readie money, which he protested to be for prosecuting an earnest suit he had against one Sir I.L. Knight, as this defendant remembreth, which although ỹ said defendāt could then performe hardly, yet he the said defendāt made meanes for so much money, & did lend the same 50. l. to the said complainant for 12. moneths, vpon allowance of 5. l. for the same for the said time & no more. And also further did most earnestly desire & intreat him the said def. to sell vnto him so much Silks, Ueluets, & Wares to furnish his then present want, as should make the foresaid summe of 255. l. by his bond, & the 50. l. lent in ready money, with the 5. l. for interest therof as aforesaid, amounting to the summe of 503. l. and thereupon the said def. deliuered, & caused to be deliuered to the said pl. or his assignes about the said last day of May & in June following the said Silks, Ueluets, & Wares at reasonable prises, cōsidering the time he gaue for paymēt of his money due for the same to the value of Clxxxx. l. 17. s. 4. d. which made vp all the former summes 500. l. 17. s. 4. d. And for paiment of the said summe of 500. l.

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parcell of ỹ ſaid debt of 500.l. 17.ſ.4.d. the ſaid compl̃t did knowledge to the ſaid defend a recognizance or bond obligatorie of the nature of a ſtatute ſtaple of 1000.l. in the ſaid bill of compl̃t mencioned, vpõ which ſtatute knowledged the ſaid defend. deliuered to the ſaide compl̃t to be cancelled the foreſaid bond made by ỹ ſaid compl̃t to the ſaid defend for paiment of 255.l. And ſhortly after the knowledging of ỹ ſaid ſtatute, that is to ſay about the ſpace of 4. or 5. weekes after, & long before the time limited for the paiment of ỹ ſaid defend̃s principall debt of 500.l. the ſaid compl̃t purpoſing to defeate the ſaid defend of his ſaid iuſt & due debt, did purſue a writ of Audita querela, ſuppoſing himſelf thereby to be within the age of 21. yeares, both then & at the time of the knowledging of the ſaid ſtatute, vpon which writ after the ſame was returned into the court of common pleas, & before the ſaid defend had notice or vnderſtanding of the ſame, the ſaid compl̃t and others the ſolicitors of the cauſe after ỹ he was inſpected & viewed by the Juſtices of the ſame court, did produce or cauſe to be produced 2. perſons or witneſſes before the ſaid Juſtices to be depoſed that the allegacion & ſurmiſe of the ſaid Audita querela was true, viz. that the ſaid̃ compl̃t was then and at the knowledging of the ſaide ſtatute vnder the age of 21. yeares, which witneſſes were examined and depoſed accordingly in the behalfe of the ſaid compl̃t before the ſaid defend had any knowledge or vnderſtanding of the ſaid compl̃t proceeding therein, and before any writ or Scire facias was awarded and taken forth to warne the ſaid defendant of the ſaid ſuit, as by the ſaide depoſitions and proceedings therein remayning of Record in the ſaid court of Common pleas, whereunto the ſaid defendant for certaintie of the times doth referre himſelfe more certainely doth appeare, which ſaid ſuit of Audita querela for the auoyding of the ſaid ſtatute the ſaid complaynant by his ſolicitors & ſeruants did moſt earneſtly follow vpon a bare pretence that the ſaid compl̃t wanted ſome fewe moneths of the age of 21. yeares, for maintenance of which ſaid ſtatute the ſaid defend was called in by proces & did pleade thereunto, after which plea pleaded, and after the ſaid defend had bin drawne into great charges & expences for the defence of the ſaid ſtatute & cauſe, the ſaid compl̃t and his Councell ſollicitors, Attorney, or ſome of them, ſeeing no likelyhood to preuaile in that courſe, did become nonſuit, & without any regard had of the penaltie thereof, did faile and neglect to pay to the ſaid defendant his ſaid principall debt of fiue hundred pound at the dayes & times wherein the ſame was limited & appointed to be paid by a writing of defeazance made between the ſaid compl̃t & defend touching the penaltie of the ſaid ſtatute, the ſame daies of paiment or ſome of them being now expired 18. moneths paſt and more, and yet the whole debt ſtill vnpaid vnto the ſaid defendant, for payment whereof,

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the ſaid defendant hath and doth keepe the ſaid ſtatute and the firſt two bonds wherein the ſaide complaynant with his men are bound as his ſureties as afoꝛeſaid foꝛ payment of part of the ſaid pꝛincipall debt, being this defendants own pꝛoper goods as both by lawe and conſcience the ſaid defendant thinketh he may lawfullie do. And yet neuertheleſſe the ſaid defendant further ſaith, that if ꝑ ſaid cõplaynant will foꝛthwith pay vnto him the ſaide defendant the ſaid ſumme of 500. pound being his pꝛincipall and iuſt debt, together with the charges he hath bin put vnto, and conſideration after the vſuall rate of ten pound foꝛ the hundꝛeth, like as the defendant himſelfe doth pay to others foꝛ the long time the ſaid defendant hath foꝛboꝛne his ſaid debt, he the ſaide defendant will foꝛgoe the penaltie of the ſaide ſtatute, and will deliuer the ſame ſtatute and the ſaid bonds to the ſaid complaynant, without that that the ſaid defendant did ſell vnto the ſaid complaynant any peece oꝛ peeces of Ueluet oꝛ Silke at the ſeuerall times in the bill mencioned, oꝛ any other time oꝛ any other thing at any exceſſiue oꝛ vnreaſonable pꝛice the dayes of payment conſidered. Oꝛ that the ſaid complaynant did ouer and beſides the exceſſiue pꝛice of any ſuch thing allow and pay to the ſaide defendant any further conſideration oꝛ vſurie foꝛ the foꝛbearing thereof till the time of payment otherwiſe then is befoꝛe truly layd downe in this aunſwere. Oꝛ that the ſaide complaynant and the ſaide R. S. oꝛ any other did enter into any moꝛe bonds foꝛ any the ſummes in the ſaid bill mencioned to the ſaide defendant then ſuch as befoꝛe are confeſſed to the knowledge of this defendant. And without that the ſaid complaynant did at the intreatie of the ſaid defendant during his the ſaid complaynants minoꝛitie enter into the ſaid ſtatute in the bill mentioned to the knowledge of this defendant, but vpon the impoꝛtunate requeſt and intreatie of the ſaide plaintife to ſupplie his wants as afoꝛeſaid, the ſaid defendant was content to accept of his ſaid ſtatute, not being able to giue better aſſurance as the ſaide defendant required. Oꝛ that the ſaid defendant did then oꝛ at any other time pꝛomiſe to the ſaide complaynant oꝛ his ſaid ſureties in the bill mencioned any the bonds by them oꝛ any of them entred into to ꝑ ſaid defendãt foꝛ oꝛ touching the ſaide debt as he now remembꝛeth oꝛ any part thereof, other then the ſaid obligacions which the ſaid defendant did redeliuer to the plaintife to be cancelled as afoꝛeſaid, oꝛ did pꝛomiſe to cancell oꝛ make void the ſame in manner and foꝛme as in the ſaid bill of complaint is ſurmiſed to the remembꝛance of this defendant. And without that that the ſaid complaynant oꝛ any other foꝛ him did require the redeliuery of the ſaid bonds as this defendant remembꝛeth, oꝛ that there is any cauſe oꝛ reaſon why the ſaid complaynant ſhould make any ſuch requeſt oꝛ the ſaid defendant to make any ſuch pꝛomiſe vntill his ſaid

debt

debt be paid. And without that that the ſaid compl̃t hath or doth ſeeke to make any reaſonable compoſition with the ſaid defend̃ for or touching the ſaid debt, or any part thereof, but rather hath endeuoured to defeate the ſaid defend̃ of his ſaid debt. And therefore he the ſaid defend̃ hopeth that the ſaid compl̃t ſhall not haue or receiue any fauour in this honorable Court againſt the ſaid defend̃, ſeeing that the ſaid defend̃ deſireth nothing els but his principall, with reaſonable recõpence for the great wrong & iniurie the ſaid compl̃t hath done, both in putting him to great charges & erpences, & by the long withholding & deteining of the ſaid debt as aforeſaid, without that that the ſaid defend̃ hath hetherunto taken or recouered ỹ penalties of ỹ ſaid ſtatute or bonds, or any of thẽ, or that the ſaid compl̃t is or hath ſhewed himſelfe at any time readie to ſatiſfye the ſaid debt vnto the ſaid defend̃, or any part thereof in manner & forme as in the ſaide bill of complaynt is alleaged. And without that that any other matter or thing &c.

A Bill exhibited againſt a noble man, & againſt diuers tenants & farmers, and officers of diuers mannors, contayning, that the noble man for his debt due to the plaintif became boũd in a ſtatute ſtaple of 1200 *li. and for that the debt was not paid at the day it was due, the plaintife extended diuers manors & lands which the noble man had, and was ſeaſed of at the time he knowledged the ſaid ſtatute, and had ſould the ſame before the time of the extent to diuers perſons, and vpon a Liberate to the Sherife, had the ſame mannors & lãds deliuered vnto him to hold in extent till his debt were ſatiſſied: Afterwards vpon the noble mans ſuit to the Lord Chauncellor, and vpõ the Lord Chauncellors requeſt to the plaintife he was contented to forbeare the taking of the profits of the lands extended, & to referre the hearing & ending of the matter touching his debt to two thereunto appointed by the Lord Chauncellor, who heard and ended the matter, the which end afterwards the noble man refuſed to performe, whereupon the plaintif went about to take the benefit of his extent, & to keepe Courts, and vnderſtand what lands, and how the tenants held, and what rents & ſeruices they paid for the ſame, but could not performe his purpoſe therein, for the tenants & the noble man had the Courtrowles in their keeping, and the leaſſes, rentals, &c. and would not let him ſee the ſame, and that the noble man refuſed to ſuffer the plaintife to enter into the manors & lands extended, or to keepe any Courts, and would not ſuffer the tenãts to pay the plaintife any of the rents or ſeruices due for the ſame manors, or to declare vnto him what the ſame rents and ſeruices were. And then the plaintife prayeth that the tenants, occupiers, and farmors of the ſaid manors may vpon their oathes bring forth their leaſſes, & declare what lands they hold, and what rents & ſeruices euery of them pay. And that all the defendants may ſhewe to the plaintife the Courtrowles, rentals, books of ſuruay, field books & terrars in their cuſtodie, and ſo prayeth proces againſt all the defendants.*

Supplications, Bils,

To the Right Honorable Sir Christopher Hatton of the most noble order of the Garter Knight, Lord Chancellor of England.

Sect. 149.

IN most humble wise complayning sheweth to your good Lordship your dayly Orator I. L. Citizen and Clothworker of London, That whereas the Ho. Ed. Lord M. Baron of R. the last day of December in the 26. yeare of the raigne of our soueraigne Lady Queene Elizabeth, before Sir Christopher Wray Knight, Lord chiefe Justice of the pleas before her highnes to be holden, did acknowledge himselfe to owe to your Orator the summe of MCC. of lawfull english money by his recognizance in the nature of an estatute staple, with a defeazance thereupon made for the true payment of diuers seuerall summes of money at sundrie seuerall dayes now long sithence past. And whereas likewise the saide Ed. Lord M. was and stoode iustly indebted to your saide Orator in diuers other summes of money by other bonds, as also by your Orators booke, for diuers wares taken vp of your Orator for the vse of the saide Lord Mo. And whereas also Tho. M. Esquier, brother of the said Lord Mo. stood indebted & did owe to your said Orator other certaine summes of money, for the paimēt whereof the said Lord Mo. did vndertake, and did make to your said Orator many seuerall & sundrie promises, the which (as yet) he hath in no sort performed. And whereas the said Lord Mo. at the time of the knowledging of the foresaid statute staple was lawfully seazed in his demesne as of Fee, of & in the mannors of H. W. A. & B. with two faires twice in the yeare, with one market holden euery weeke at H. aforesaid, with the hundred of F. with euery of their appurtenances, scituate, lying & being in the Countie of Norffolke, and of and in the mannor of H. with their appurtenances in the said Countie of Norffolke: which said mannors & other the premisses aforesaid the said Lord Mo. by lawfull assurance & conueyance in the Lawe, did bargaine, sell, conuey, & assure the same, with all and euery their appurtenances whatsoeuer to one Tho. Lord of H. in the saide Countie of Norffolke Esquier, and to his heires for euer, by vertue of which conueyance and assurance the said Tho. L. was and is yet seazed of the saide seuerall mannors, and other the aforesaid premisses in his demesne, as of Fee. And whereas the said Edw. Lord Mo. was likewise seazed in his demesne as of Fee at the time of the knowledging of the saide statute staple of and in the mannors of S. M. and W. with the aduousons of Sw. Mo. and Wo. with their appurtenances in the Countie of Norffolke aforesaid, which said seueral mannors, & thaduousons aforesaid, the said Lord Mo. by like conueyance and assurance did conuey and assure the same to one Ed. B. late of D. in the said Countie of Norffolke Esquier deceased, and to his heires for euer,

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to

es the only vſe and behooſe of the ſaid Ed.B. his heires and aſſignes for euer, by whoſe death, T.B. ſonne and heire of the ſaid Ed.B. Eſquier deceaſed, was and yet is ſeazed of the ſaid mannors of S.Mo. and Mo. and of the aduowſons of S.Mo. and Mo. in his demeſne as of Fee. And whereas the ſaid Lord Mo. was at the time of the knowledging of the ſaide ſtatute ſtaple likewiſe ſeazed in his demeſne as of Fee, of and in the mannor of B. with the appurtenances, ſcituate and extending into the Townes of N.M. &c. in the aforeſaid Countie of Norfolke, which ſaid mannor the ſaide Ed. Lord M. did likewiſe conuey vnto T.G. Gent, and to his heires for euer, to the only vſe and behooſe of the ſaid T.G. his heires and aſſignes for euer. And whereas the ſaid Edw. Lord Mo. was at the time of the ſaide ſtatute knowledged, and yet is ſeazed of and in the mannor of A. with the appurtenances in the ſaid Countie of Norffolke in his demeſne as of fee, and being indebted to your ſaid Orator as aforeſaid, your Orator made ſundrie and diuers earneſt requeſts for the getting of the ſaid debt and ſummes of money aforeſaid, and your Orator being by the ſaide Lord Mo. promiſed to haue the ſaid debts at diuers ſeuerall dayes, yet none of them were performed or kept, whereby your Orator ſeeing no performance, but was delayed from time to time, your ſaide Orator about two yeares ſithence ſued forth his ſeuerall writs of Extendi facias directed to the Sheriffs of Norffolke, Eſſex, Hertford, Sommerſetſhire, and Yorke, and to the Chancellor of the Countie Pallantine of Lancaſter, for the extending of all the mannors, lands, tenements, and hereditaments, within the Counties aforeſaid, whereof the ſaid Lord Mo. was ſeazed the time of the ſaide ſtatute knowledged, which writ directed to the Sheriffe of the ſaide Countie of Norffolke, was deliuered to one Clement Paſtone Eſquier then Sheriffe of the ſame Countie, to be by him executed and returned accordingly. By vertue whereof the ſaide Clement Paſtone Eſquier did by the Othes of a Jury ſworne & charged within the ſaid Countie of Norffolke, according to the due courſe of her Maieſties lawes, extend and appraiſe the ſaide ſeuerall maunors, faires, markets, lands, tenements, & all other the premiſſes with the appurtenances lying within the ſaid Countie of Norffolke, as in and by the ſaide extents remayning of record in this ho. Court of Chauncery, and by the returne of the ſaid Sheriffe, with the ſeiſure of the ſaid ſeuerall mannors into the Queenes Maieſties hands, to the intent they might be deliuered to your Orator in extent more at large it doth and may apeare. After which inquiſition, extent, and ſeaſure ſo taken, had, & made, your Orator ſued forth her highnes writ of Liberate, bearing Teſte the 4. day of February, in the 30. yeare of her highnes raigne, directed to the ſaid Sheriffe of Norffolke, commaunding him thereby to deliuer the ſaid ſeuerall mannours extended as aforeſaid vnto your

Oratoz to hold them in extent, vntill your Oratour were of the saide summe of 1200. l. with his costs and expences herein sustayned, fully satisfied & paid. By vertue of which said writ, the said Clement Paston then Sherife did deliuer in extent to your saide Oratour the xii. day of March then next following the forsaid seuerall mannors of H. W. A. and B. with the two faires holden twise by the yeare, and the market of H. there holden euery weeke, with the hundred of F. with their appurtenances. And the said mannor of H. with the appurtenances. And also the said mannor of S. M. and W. with thaduowsons & patronage of Sw. M. and W. with their appurtenances together with the mannor of B. with thappurtenances, & the forsaid mannor of A. with thappurtenances, to hold to your said Orator & his assignes according to the said extent, vntill the said debt of 1200. l. together with your Orators costs and damages were taken and leuied of the premisses. By vertue whereof your said Orator was of the premisses possessed, and so being possessed, the said Lord M. before that your said Orator had or could receiue any profit of the premisses, or of any part or parcell thereof, by meanes or reason of the said execution thereupon made & deliuered to your saide Orator, did make humble suit to your ho. Lordship, that it would please the same to moue your sayd Orator to forbeare ỹ taking of the issues rents & profits of the said seuerall manors, & other the premisses, & from the molesting of the farmors, tenants, & occupiers thereof for the same, vntill your ho. Lordship, or some others to be by your Lordship apointed, had heard & determined the cause and reckoning betweene the said Lord M. & your said Orator, whereupon your said Orator was content at the motion & request of your ho. Lordship to permit the tenants of the premisses to continue in their possession quiet, and to forbeare the taking of the rents and profits thereof, and to referre the hearing and ending of all reckonings & demaunds betweene your said Orator, and the saide Lord Mo. to the order and determination of maister Doctor S. one of the maisters of this most honorable Court of Chauncerie, & to S. B. Gent one of your Honors Secretaries, being thereunto assigned and apointed by your Lordship in fauour of the said Lord Mo. who entred into examination of the premisses in controuersie betweene the said Lord Mo. and your said Orator, and by their mediations and at their requests your saide Orator was content to forgo neere the summe of 100. pound of his iust demaund, so that the said Lord Mo. would content and pay the residue to your said Orator in such sort and at such times as the said maister S. and maister B. did conclude and set downe, but the said Lord Mo. meaning and intending still to delay your said Orator, and to keepe him both without his money, and the profits of the said mannors and other the premisses with the appurtenances, which were deliuered vnto your said Orator in

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execucion towards the ſatiſfying of his debt, coſts, and damages, did not only neglect to perfoꝛme the ſaide agreement and oꝛder taken by the ſaide maiſter S. and maiſter Bꝛ. but hath and doth vtterly refuſe and denie to perfoꝛme the ſame, by reaſon whereof your ſaid Oꝛatoꝛ foꝛ the leuying of his debt, coſts, and damages, did purpoſe and intend to take the benefit of his ſaid execucion, and foꝛ that end your ſaid Oꝛatoꝛ about the feaſt day of S. Michaell the Archangell laſt paſt, trauayled into the ſaide Countie of Noꝛffolke where the ſaide mannoꝛs and pꝛemiſſes do lye, and there did offer to keepe Courts, and did likewiſe require the tenants, occupiers, and farmoꝛs of the ſaide mannoꝛs and pꝛemiſſes to render and pay to your ſaid Oꝛatoꝛ the rents, iſſues, and pꝛofits then due foꝛ the ſaid pꝛemiſſes to your ſaid Oꝛatoꝛ, and therewithall your ſaide Oꝛatoꝛ did require the ſaide tenants and occupiers of the ſaide mannoꝛ and pꝛemiſſes to diſcouer and make knowne to him how and in what ſoꝛt and by what title they and euery of them did hold, claime, and enioy the ſeuerall parcels of the ſaid pꝛemiſſes which they the ſaid farmoꝛs and occupiers did ſeuerally occupie, poſſeſſe, and enioy, to the end that your ſaide Oꝛatoꝛ might hereafter be aſſertained and fully inſtructed how to demaund, recouer, and come by the rents reſerued vpon their ſeuerall eſtates and intereſts which be rightfully belonging and appertayning to your ſaide Oꝛatour by reaſon of the ſaide extent, but ſo it is if it may pleaſe your honourable Loꝛdſhip that the ſaide L. Ho. C. L. Tho. B. Theodoꝛa Goodwin, Hen. Blage Steward, Thomas Louell, Thom. Hoꝛe, Henry Hynde, Rich. Handfoꝛd, Edmond Coles, Tho. Baylie, Wil. Oꝛake, Geo. Thurſtone, Ray. Stoꝛy, being all Owners, Farmoꝛs, Tenants, Occupiers, and Officers of the ſayde Mannoꝛs and pꝛemiſſes, in whoſe hands and keeping all the Court Rolles, Rentalls, Leaſes, and counterparts thereof which touch oꝛ concerne the ſaide mannoꝛs and pꝛemiſſes, oꝛ any part oꝛ parcel thereof be and remaine, haue confederated together both to defeate your Oꝛatoꝛ of his lawfull execucion and eſtate in the pꝛemiſſes, and alſo to defraude and vtterly to take away from your ſaid Oꝛatoꝛ the rents, iſſues, and pꝛofits thereof, and therefoꝛe and foꝛ that end the ſaide Loꝛd Ho. &c. did not only denye and refuſe to permit and ſuffer your ſaide Oꝛatoꝛ oꝛ any other perſon to his vſe to enter into the ſaide mannoꝛs and pꝛemiſſes, oꝛ to keepe any Courts in and vpon the ſame, but alſo did and do denie and refuſe to pay to your ſaide Oꝛatoꝛ any free oꝛ farme rents foꝛ the ſaide mannoꝛs oꝛ pꝛemiſſes, oꝛ to ſhew to your ſaid Oꝛatoꝛ how oꝛ by what leaſes oꝛ other titles they oꝛ any of them do poſſeſſe oꝛ enioy the pꝛemiſſes, oꝛ any part oꝛ parcell thereof, oꝛ what rents oꝛ ſeruices ought to be paid foꝛ the ſame, by reaſon whereof your ſaide Oꝛatoꝛ is like to be kept

from the benefit of his said execucion against all right, equitie, and conscience, vnlesse your ho. & accustomed help be vnto him in this behalfe extended. In tender cõsideration whereof, & for that ẏ said Lo. Ma. &c. being owners & occupiers of the mannors & premisses aforesaid, and do conceale & keepe from the knowledge of your said Orator aswell your yearely rents, seruices & fermes, as also ẏ sight of their seuerall Indentures of Lease, as also the Courtrowles, whereby your Orator is without remedy either to recouer any yearely ferme, or other the rents and seruices of the Freehold or Copyhold lands pertaining to the said mannors, and for that your Orator hath not the counterpanes of your said Indentures of Lease, neither knoweth the dates of them, nor the certeintie of your fermers reserued, or of ẏ rents & seruices due & payable for your said lands, hauing not ẏ Courtrowles to shew forth, so as your Orator cannot by ẏ course of the common lawes of this realme, make any Auowrie for either the yearely farmes, nor yet for the rents & seruices due vpon & for the foresaid freehold or copiehold lands holden of the said seuerall mannors as aforesaid, nor yet for any other dutie or seruice due for the same, nor can shewe forth the certentie of the lands that the said tenants do seuerally hold. May it therefore please your ho. Lordship that some good order may be by your Lordship set downe, whereby the foresaide seuerall Farmors, tenants & occupiers of the said seuerall mannors, & all the other parties before mentioned, may be inforced to set downe vpõ their othes, as also bring forth their seueral Indentures of Leases, whereby your Orator may know the seuerall dates of thẽ, as also what lands they hold by the same, & by what yerely rents & fermes. And ẏ the tenants of the said seueral mannors may likewise be inforced vpon their oathes to set downe what lands they hold of the said seuerall mannors either freely, or by copy of courtrowle, & by what rents, fines, duties, & seruices. As also ẏ foresaid Ed. Lord Ma. &c. hauing the custodie of any the rentalls, Courtrowles, bookes of suruey, feild bookes or terrors concerning thaforesaid seuerall mannors or any of them, may likewise be inforced to shew them forth to your Orator, to the intent your Orator may vnderstand what lands, tenements, or hereditamẽts, are holden of ẏ said seueral mannors or of any of them, & by what rents, duties or seruices the said lands, tenements, or hereditaments are holden by, whereby your Orator may according to equitie & good conscience reape, receiue, recouer, haue & take the yerely reuenews, issues and profits of the foresaid seuerall mannors & euery of them, as in lawe and right belongeth vnto him, & as he ought to do, vntill your said Orator be satisfied of the summe conteined in his foresaid statute staple knowledged vnto him as aforesaid, wt his reasonable costs & damages herein susteined, & to thend that al these points may be performed accordingly.

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May it further pleaſe your good Lordſhip to get to your ſaid Oratour the Qu. Ma. moſt gratious writs of Subpena to be directed to the foreſaid Ed. Lord Mo. Baron of R. &c. Commaunding them & euery of thē thereby at a certaine day, & vnder a certaine paine perſonally to apeare before your good Lordſhip in the ſaid ho. Court of Chancerie, then and there to anſwere to the premiſſes, & to abide ſuch further order & direction herein, as to your Ho. ſhal ſeeme good to ſtand with right, equitie, and good conſcience. And your ſaid Orator ſhall according to his moſt bounden dutie euer pray for the increaſe and continuance of your good Lordſhip in health and all honour long to endure.

The ioint and ſeuerall aunſweres of T. M. H. B. &c. Defendants, to the bill of complaint of I. L. Complaynant.

A THe ſaid defendants and euery of them ſauing to them and euery of them thaduantage of exception to the incertaintie & inſufficiencie of the ſaid bill of complaint, ſay. And firſt the ſaid T. More for himſelfe ſaith, That he the ſaid T. Moore doth & hath by the ſpace of 2. yeares laſt paſt or thereabouts exerciſed the Office of Baylife of the mannors of H. A. and B. in the ſaide Bill mentioned, whereof this defendant ſuppoſeth T. Lo. Eſquier to be ſeaſed of ſome eſtate of inheritance, and hath in his hands ſome rentalls of the ſaide mannors, which this defendant thinketh he ought not to impart to the ſaid complaynant, neyther ought the ſaid complaynant to haue the iſſues, rents, and profits of the ſaid mannors as this defendant thinketh, for that as this defendāt hath credibly heard & verily beleeueth it to be true, the ſaid Ed. Lo. M. in the ſaid bill mentioned the day of the date of the ſaid recognizance in the ſaid bill mentioned, or at any time ſince, was neuer ſeazed in his demeaſne as of fee ſimple, fee tayle, or freehold, of and in the ſaid mannors of H. A. and B. or any part or parcell thereof, as in the ſaid Bill is vntrulie alledged. But one T. H. was then ſeazed thereof, who ſince hath conueyed the ſame to the ſaid Th. Lo. as this defendant hath heard. By reaſon whereof ỹ ſaid Tho. Lo. ought in this defend opinion to haue the rents, iſſues, & profits thereof notwithſtanding the ſaid execution, without that this defend is farmor, cuſtomarie, or free tenant of any part or parcell of the ſaid mannors or other the premiſſes in the ſaid bill mentioned, other then of parcell of the demeſnes of the ſaid mannor of H. which this defend holdeth by leaſe for certain yeares yet to come, rendring yerely 5. l. and of the Faires of H. & the profits thereof, which he holdeth for diuers yeares yet to come, rendring yearely 26. ſ. 8. d. and of the fifth part of the Warren of H. which he houldeth for diuers yeares yet enduring, rendring 12. ſhillings by yeare or thereabouts. And of diuers Freeholds houlden of the mannor of H. by the rents Sect. 150.

of 20.s. or thereabouts. And without that that this defendant hath in his hands any Court Rolles, Rentalls, or Leases, concerning the premisses in the said Bill mencioned other then in this aunswere before is mencioned, as in the saide Bill is untrulie alledged. And without that that this defendant hath unlawfully confederated with any the persons in the said Bill mencioned, to defeat the saide complaynant of his lawfull execucion and estate in the premisses in the said bill mencioned, as in the said Bill of complaint is also untrulie alledged. And the saide Henry Blake for himselfe saith, that hee hath exercised the office of steward of the said mannors of H. and B. in ỹ said Bill mencioned, and of the mannors of H. in the said Bill likewise mencioned lawfully constituted thereunto as this defendant thinketh by the said T. Lo. being seazed of some estate of inheritance of the said mannors as this defendant supposeth: and that the Court Rowles and evidences concerning the saide mannors are kept in the house of the saide T. Lo. at E. in the Countie of Norffolke, and are not at this defendants disposition, to yeeld up or impart to the said complaynant otherwise then as the saide T. Lo. shall appoint, whereof this defendant humblie prayeth this honorable Court to haue consideration, without that that this defendant is Farmor or Customarie or free tenant of any part or parcell of ỹ said mannors or other the premisses in the saide Bill mencioned, or hath in his hands any Court rowles, Rentals, or Leases, concerning the premisses in the said Bill mencioned other then as in his aunswere before is mencioned, as in the saide Bill of complaint is untrulie surmised. And without that that this defendant hath unlawfullie confederated with any person or persons in the said Bill mencioned to defeat the said complainant of his lawfull execucion and estate in the premisses in the saide Bill mencioned, as in the saide Bill of complaint is also untrulie alledged. And the saide Thomas Aynsworth for himselfe saith, that he hath and doth exercise the Office of Baylife of the mannor of S. in the said Bill mencioned under and by the apointment of T. B. Esquier in the said Bill mencioned, whome this defendant suppolety to be seazed thereof of some estate of inheritance, and hath in his hands certaine rentalls of the same mannor, which Rentalls this defendant thinketh he ought in dutie to keepe and vse to the benefit and seruice of the saide Tho. B. and to employ the same accordinge to his direction and not otherwise. And further this defendant saith, that this defendant is Farmor of parcell of the demesnes of the mannor of S. aforesaid, which he holdeth for diuers yeares yet to come, yeelding and paying therefore yearely 14.l. 8.s. 4.d. of lawfull money of England. And also holdeth by coppie of Court rowle at the will of the Lord of the saidé mannor of Swanton Morley accordinge to the custome of the said mannor, diuers

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lands and tenements within the precincts of the ſaid mannor, and yeelding yearely for the ſame 40. ſ. or thereabouts, which rents this defendant thinketh are not payable to the plaintife, for that the rents reſerued vpon Leaſes made of any parcell of the extended premiſſes before the knowledging of the ſaide ſtatute, are not expreſſely extended nor deliuered to the ſaid complainant in execucion. But the ſaide complainant hauing extended and receiued the premiſſes into execucion as demeane in poſſeſſion is to ſtay and expect till he may haue and enioy the ſame according to his extent, and to the liuerey thereof made vnto him. And further this defendant ſaith, that the ſaid mannor of Swanton Morley is and at the time of the awarding of execucion, was as this defendant thinketh the inheritance of the ſaide Th. B. which he then had by purchaſe from the ſaide Lord Mo. ſince the knowledging of the ſaid recognizance. And in aſmuch as the ſaide Lord Mo. at the time of the knowledging of the ſaid Recognizance had and was ſeazed in Fee ſimple, Fee taile, or for terme of life, as this defendant is crediblie enformed, and partly apeareth by the Schedule of the liuerie of the ſaide Lord Mo. of and in the mannors of H. in the Countie of Eſſex of the yearely value of 100. l. or there abouts, and of and in the mannors of F. and Todenhoberie in the Countie of Hertford of the yearely value of fortie pound or thereabouts, and of a certaine yearely rent of thirtie pound or thereabouts going out of the mannor of Shobington in the Countie of Buckingham, and of diuers other mannors, lands, tenements, and hereditamēts, in diuers other Counties of England, which ought to be contributorie to the payment of the ſaide twelue hundred pounds, and therefore the ſame is vndulie and contrarie to lawe charged vpō the ſaid mannor of Swanton cum Worthinge, which the ſaid Th. B. houldeth as a Feoffee, for which cauſe the ſayde T. B. as this defendant ſuppoſeth hath purſued his Sciri facias againſt the ſaide complainant in this honorable Court for the diſcharge of the ſaide mannor of Swanton cum Worthinge from the ſaide due execucion, and from the recouerie of the iſſues and profits comming and growing of the ſame mannor from the time of the ſaid execucion. For which cauſe this defendant humblie prayeth this honorable Court that the ſaide complainant may be referred to the Common Lawe to bring his Accion againſt this defendant for the recouerie of the ſaide rents due vpon ſuch Leaſes and Coppie holds as this defendant houldeth of the ſaid mannor of Swanton cum Worthinge wherein the validitie of the ſayde Extent may be tryed, ſo as this defendant may know to whom he may pay his ſaide rents without danger or further trouble. And this defendant is readie to ſtand to ſuch order as this honorable Court ſhall award concerning the ſhewing vnto the ſaid complainant of his eſtate

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and terme which he hath of and in any part of ỹ said mannor of Swanton cum Worthinge or holdeth of the same and other circumstances thereof, without that this defend is Farmer or Customarie or free tenant of any other part or parcell of ỹ said mannors, or other the premisses in the said Bill mentioned, or hath in his hands any Courtrowles, Rentalls, or Leases cõcerning the premisses in the said bill mentioned, other then as in this aunswere before is mentioned as in the said bill of complaint is vntruly alledged. And without that that this defend hath vnlawfully confederated with any the persons in the said Bill mentioned, to defeate the said compl̃t of his lawfull execucion and estate in the premisses in the said Bill mentioned, as in the said Bill is falsely surmised. And the said Henry S. John for himselfe sayth, that he hath and doth exercise the office of Baylife of the mannors of Hockering &c. in the saide bill mentioned, whereof this defendant supposeth Th. Lo. Esquier to be seazed of some estate of inheritance, and hath in his hands certaine Rentalls of the said mannors, which Rentalls this defendant thinketh he ought in dutie to keepe and vse to the benefit and seruice of the said maister Louell, and to employ the same accoʒding to his direction, & not otherwise. And further this defendant saith, ỹ he this defendant is Farmer of certaine demesnes of the said mannor of Hockering whereof he holdeth some part for yeares, & some for life by Lease made by the said Lord Wo. whose estate the said maister Lo. now hath of and in the same, yeelding & paying therefore yearely 30. l. or thereabouts, which rent this defendant thinketh is not payable to the said complaynant, for that the rents reserued vpon Leases made of any parcell of the extended premisses before the knowledging of the saide statute are not expressely extended nor deliuered to the said complaynant in execution. But the said complainant hauing extended & receiued the premisses into execution as demesne in possession, is to stay and expect till he may haue and enioy the same accoʒding to his extent, and the liuerey thereof made vnto him. And further this defend saith, that the said mannors of Hockering & Northtuddenham are and at the time of the awarding of the saide execution were as this defendant thinketh the heritance of T. Lo. which he then had by purchase from the said L. Wo. since the knowledging of the said Recognizance. And in asmuch as the said Lo. Wo. at the time of the said Recognizance had & was seised in fee simple, fee taile, or for terme of life, as this defend is credibly enformed, and partly apeareth by the Schedule of the liuerey of the said Lord Wo. of and in the mannors of Halingburie Woxley, and Salcot Uerley in the Countie of Esser of the yearely value of 100. l. or thereabouts, and of and in the mannors of Furner and Tuddenhoberie in the Countie of Hertford of the yearely value of 40. l. or thereabouts, and a certaine

yerely

yerely rent of 30. l. or thereabouts going out of the mannor of Shobington in the Countie of Buckingham, and diuers other mannors, lands, tenements, and hereditaments in diuers other Counties of England which ought to be contributorie to the payment of the ſayd 12. C. pound, and therefore the ſame is vndulie and contrarie to lawe charged vpon the ſaid mannors of Hockering, and Northtuddenham, which the ſaide maiſter Lo. holdeth as a Feoffee, for which reaſon the ſaid maiſter Lo. as this defendant ſuppoſeth, hath purſued his Scire facias againſt the ſaide complaynant in this honorable Court for the diſcharge of the ſaid mannors of Ho. and N. from the ſaide vndue execution, and for the recouerye of the ſayd iſſues and profits comming and growing of the ſame mannors from the time of the ſaid execution, for which cauſe this defendant humbly prayeth this honorable Court, that the ſaid complaynant may be referred to the Common lawe to bring his accion againſt this defendant for the recouerie of the ſaid rents due vpon the ſaide leaſſes and eſtates which this defendant holdeth of the ſaide mannors, wherein the validitie of the ſaid extent and execution may be tryed, ſo as the ſaid defendant may know to whom to pay his ſaide rent without danger or further trouble, and this defendant is readye to ſtand to ſuch order as this honorable Court ſhall award concerning the ſhewing to the ſaide complainants of his eſtates & tearmes which he hath of and in the ſaid parcell of the demeſnes of the ſaid mannor of Ho. or holdeth of the ſame and other circumſtances thereof without that, that this defendant is Farmer, Cuſtomarie, or free tenant of any other part or parcell of the ſaide manors or other the premiſſes in the ſaide bill mentioned, or hath in his hands any Courtrowles, Rentalls, or Counterpanes of leaſes concerning the premiſſes in the ſaide bill mentioned, other then in his Anſwere before is declared, as in the ſaid bill of complaint is vntruly alledged. And without that, that the ſaid defendant hath vnlawfully confederated with any the perſons in the ſaid bill mentioned, to defeate the ſaide complaynant of his lawfull execution and eſtate in the premiſſes in the ſaid bill mentioned, as in the ſaid bill of complaynt is alſo vntrulie alledged. And without that, that any other matter or thing in the ſaid bill of complaynt mentioned materiall or effectuall to be anſwered vnto, and not herein ſufficiently anſwered, confeſſed, and auoyded, trauerſed, or denyed, is to theſe defendants or any of their knowledges true, All which matters theſe defendants are ready to auerre and prooue as this honorable Court ſhall award, and prayen to be diſmiſſed out of the ſame, with their reaſonable coſts and charges in this behalfe moſt wrongfully ſuſtained.

A Bill

A Bill into the Chauncery for detayning of euidences entering into a meadowe and a pasture and making to themselues diuers estates.

To the Reuerend Father in God Thomas Bishop of Ely,
Lord Chauncelor of England.

Sect. 151. IN most humble wise sheweth and complayneth vnto your good Lordship your dayly Orator G.I. That where W.I. father vnto your said Orator was seised in his demeasne as of fee of and in fifteene Acres of pasture and meadowe with thappurtenances in Clare in the Countie of Suffolke, and so being thereof seised dyed by protestacion seised. After whose death the saide fifteene Acres of pasture and meadowe and all other the premisses with the appurtenances descended and came and of right ought to descend and come vnto your said Orator as sonne and heire vnto the saide W.I. So it is if it may please your good Lordship that certaine euidences, deedes, charters, and other muniments concerning the premisses, are come to the hands and possession of H.G. Widow, and A.G. who by colour of hauing the saide euidences haue entered into the premisses, and haue conueyed vnto them and to their heires diuers and sundrie estates in the lawe for the disherison of your said Orator, and of his heires for euer: And because your said Orator knoweth not the certaintie of the saide euidence, nor whether it be contayned in bagge or bore sealed, or in chest locked, he is without remedie for the recouerie of the same by the order of the Common lawe, except your Lordships fauour be vnto him shewed in this behalfe: In consideration whereof it may please your good Lordship, the premisses considered to graunt a writ of Subpena to be directed to the saide H. G. Widow, and A. G. commaunding them by the same personally to appeare before your good Lordship in the Kings high Court of Chauncerie at a certayne day, and vnder a certayne payne by your good Lordship to be limited there to aunswere vnto the premisses, and after to abide such decree and order therein as to your good Lordship shall be thought to stand with right and conscience. And your saide Orator shall dayly pray for the preseruation of your Lordships Honor long to endure. A

The Aunswere of one of the defendants to the Bill next before, who pleadeth that the plaintifes father sould the landes in the Bill mentioned to T.H. who sould the same to the defendants husband, who conueyed the same to the defendant for her life: And sheweth, that at the time of the saide purchase, and after the premisses were in diuers Feoffes in

vse,

vſe, and ſheweth afterwards the making of the Statute of 27. Hen. 8. for transferring of vſes into poſſeſſion.

The Aunſwere of M.G. Widow, to the Bill of complaynt of G.I.

A The ſaid defendant ſaith, that the ſaid Bill of complaint is vntrue, vncertaine, and inſufficient in the lawe to be aunſwered vnto, and the matters therein contayned determinable at the Common lawe and not in this honorable Court, whereunto the ſaid defendant prayeth to be diſmiſſed, and thaduantage thereof to the ſaid defendant alwayes ſaued, if ſhe ſhall be compelled to make any further aunſwere vnto the ſaide inſufficient Bill. Then for the declaration of the truth the ſaide defendant ſayth, That as to any paſture or meadowe in Clare the ſaide defendant knoweth not that ſhe is Tenaunt of, or hath any that was belonging to the ſaide W. I. within the ſayde towne or pariſh of Clare, or detayneth any euidence concerning the ſame to her knowledge: But the ſaide defendant ſayth, the ſayde W. I. mentioned in the ſayde Bill of complaynt, together with I.W. *alias* Miller, I. F. &c. were ſeiſed of and in ſeauen Acres of paſture and mooze, and three Acres and one Roode of meadowe in S. in their demeaſne, as of fee to the vſe of the ſayde W. I. and of his heires, and ſo beeing thereof ſeiſed, the ſayde W. I. bargained and ſoulde the paſture, mooze, and meadowe laſt before remembred vnto one T. H. and to hys heires for euer: By vertue of which bargaine the ſayde W. I. and hys ſayde other Coefeoffees were thereof ſeiſed in their Demeaſne as of Fee, to the vſe of the ſayde T. H. and of his heires, and after the ſayde W. I. dyed: After whoſe death the ſayde I. W. &c. them held in by right of ſuruiuorſhip, and were thereof ſeiſed in their demeaſne as of Fee, to the ſayde vſe laſt remembred: and beeing ſo ſeiſed to the ſayde vſe, the ſayde T. H. bargayned and ſold the ſayde Paſture, Mooze, and Meadowe to one W. G. Gentleman, huſband of the ſayd defendant and to hys heyres: By vertue whereof the ſayde I. W. and other his ſayde Coefeoffes were ſeaſed of and in the ſame to the vſe of the ſayde W. G. and of hys heyres: And after for the further aſſurance thereof to the ſayde W. G. and hys heyres, the ſayde I. W. and the other hys Coefeoffees ſo beeyng ſeaſed of and in all the premiſſes, did enfeoffe W. B. Eſquier, G. F. Gentleman, &c. of and in the ſayde Paſture, Mooze, and Meadowe: To haue and to hold the ſame to the ſayd W. B. &c. and their heires

Sect. 152.

and

and assignes, to the only vse and behoofe of the saide W.G. and of his heires and assignes for euer: By vertue whereof the saide W. B. &c. were thereof seised in their demeasne as of fee to the only vse of the said W.G. and of his heires and assignes for euer, and so were thereof seised vntill the fourth day of Februarie in the 27. yeare of the raigne of our soueraigne Lord King Hen. 8. At which day the saide W. G. was seised of and in the premisses in his demeasne as of fee, and by vertue thereof the saide W. G. and his assignes haue euer since enioyed the premisses peaceablie and quietlie without interruption, vntill now of late within these twelue moneths that the said complaynant pretended title vnto the same, The estate of which W. G. of and in the premisses with their appurtenances the saide defendant for tearme of her life the reuercion ouer vnto A.G. Gent by lawfull conueyance in the Lawe now hath without that, that any thing materiall or trauerseable, other then that in this present aunswere is confessed and auoyded, is true. All which matters the saide defendant doth auerre, and is readie to proue as this honorable Court shall award, and prayeth to be dismissed out of the same with her reasonable costs for her wrongfull veration sustayned in this behalfe.

The Replication of the complaynant to the Aunswere of one of the defendants (whose Aunswere is not here) wherein he confesseth the sale of the said lands by his father, as before in the Aunswere of one other of the defendants is alleaged, but saith it was made vpon condicion of redemption, the which condicion the vendor performed &c.

The Replicacion of G. I. to the Aunswere of A. G.

Sect. 153. THe said complaynant saith, that his said Bill is certaine and sufficient in the lawe to be aunswered vnto, and the matters therein contayned are true & not imagined of malice by the said complaynant to the only intent and purpose to put the said defendant to trouble, cost, and veration, in manner and forme as in the said Aunswere is vntrulie alleaged. And for Replicacion vnto the saide Aunswere the saide complaynant sayth as he in his said Bill hath said, that the saide W. I. father to the saide complaynant was seised of the premisses in his demeasne as of Fee, in vse, or in possession. And the saide W. I. so being thereof seised by his deede indented bearing date the fourth day of Nouember, in the 22. yeare of the late King Hen. 8. bargained and sould the premisses vnto the said T. H. his heires and assignes for euer for the summe of fortie markes, whereof the said T. H. paid vnto the sayd W. H. twentie marks, and the other twentie marks to be payd vnto the saide W. I. at the feast of S. Nicholas, which was in the yeare of A

our

our Lord God 1534. Neuertheleſſe, the ſaid T.H. couenaunteth and graunteth by the ſaid Indenture, that if the ſaid W.I. his heires, executors or aſſignes at the ſaid feaſt of S. Nicholas, or in the meane time before, did repay vnto the ſaid T. H. his heires executors and aſſignes the ſaid twentie marks, that then the ſaid bargaine and ſale to be voyd, and of none effect, as by the ſaide Indenture readie to be ſhewed more plainely doth and may appeare, by force whereof the ſaide W. I. and the other his coefeoffees were ſeiſed of the premiſſes to the vſe of the ſaid T.H. and of his heires. And after the ſaid W. I. according to the ſaid Indenture, and before the ſaid feaſt of S. Nicholas, did well and truely content and pay vnto the ſaid T.H. the ſaid ſumme of twentie markes, by force whereof the ſaid W. I. and the other his Coefeoffees were ſeiſed of the premiſſes in their demeaſne as of Fee to the vſe of the ſaid W. I. and of his heires: And the ſaid W. I. and the other his Coefeoffees ſo being thereof ſeiſed, the ſaide W. I. dyed, after whoſe death the reſidue of the ſaid feoffees were ſeiſed of the premiſſes to the vſe of the ſaide complaynant and of his heires vntill the fourth day of Februarie, in the 27. yeare of the late King Hen. 8. at which day the ſaid complaynant was ſolelie ſeized: And further auerreth all and euery thing contayned in his ſaide bill to be true in manner and forme as he in his ſaid Bill hath alleaged, without that that the ſaid W. I. bargained and ſould the premiſſes vnto the ſaid T.H. and to his heires in ſuch manner and forme (without condicion) as in the ſaid Aunſwere is vntruely alleaged: And without that that the ſaid T. H. did lawfully bargaine and ſell the premiſſes vnto the ſaide W.G. and to his heires: Or that the ſaide I. W. and his Coefeoffees were lawfully ſeiſed of the premiſſes to the vſe of the ſaid W.G. and of his heires: Or that the ſaide Feoffees did or might lawfully enfeoffe the ſaid W. B. and others named in the ſaid Aunſwere to the vſe of the ſaid W.G. and of his heires: Or that the ſaide W. B. and the other his Coefeoffees were lawfully ſeiſed of the premiſſes to the vſe of the ſaid W. G. and of his heires. Or that the ſaide W. G. at the ſaide fourth day of February, was lawfully and ſolelie ſeiſed of the premiſſes in fee: Or did lawfully and peaceably enioy the premiſſes: Or that the ſaide A. G. mother of the ſaid defendant hath any lawfull eſtate from the ſaid W. in manner and forme as in the ſaid Aunſwere is vntruely alleaged: And without that that any other thing materiall in the ſaid Aunſwere, which by this Replicacion is not ſufficiently confeſſed and auoyded or trauerſed is true: All which matters he is readie to aunſwere &c.

A Bill

Supplications, Bils,

A Bill into the Chauncery for a Commission vpon the Statute of 13. Eliz. Cap. 7. entituled, An Act touching orders for Bankrupts, and all the whole proceedings therein.

To the Right Honorable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

Sect. 154.

HUmblie complayning, sheweth vnto your good Lordship your dayly Orators T. B. of C. in the Countie of D. Clothier, W. M. of L. Grocer, M. G. Merchant, Subiects borne of this Realme of England as well for themselues as for others, subiects borne of the said Realme, and Denizens, Creditors of C. A. of L. Merchantaylor, also a subiect borne of the saide Realme. That whereas the said C. A. vsing and exercising the trade of Merchandize, and seeking his trade of liuing by buying and selling, vpon good and iust cause for wares and merchandize to him sold and deliuered, and also for ready money to him lent, being indebted to your said Orators in seuerall summes of money amounting to the value of 300. pound. And now of late, that is to say, in this present moneth of Nouember, in this xv. yeare of the raigne of our soueraigne Lady the Queenes Maiestie, about the second day of the saide moneth of Nouember, did begin to keepe his house scituate in the said Citie of London, and sithence hath departed from his said dwelling house, and absented himselfe, to thintent to defraude and hinder your saide Orators and other his Creditors of their iust debts and dueties to them due & owing, and so is become a Bankrupt: By reason whereof, and for that the said Bankrupt and others his confederates haue deuised and contriued diuers secret estates and sinister practises for the conueying and estoyning of the bodie of the saide Bankrupt, and of all lands, goods, debts, and other things belonging to the said Bankrupt, in such wise, as your Orators are without helpe for recouering or obtayning of their saide iust debts and dueties, but onely by complaint to your Lordship, and thereupon to haue remedie according to the Statute, touching orders for Bankrupts in the Parliament begun and holden at Westminster the second day of Aprill, in the xiii. yeare of the Raigne of our said soueraigne Lady the Queenes Maiestie made and prouided. In consideration thereof, may it please your good Lordship to graunt the Queenes Maiesties most gratious Commission to be directed to such and so many wise and honest discreet persons as to your Lordship shall seeme good: Authorizing them not onely concerning the said Bankrupts body, lands, freehold, and customarie goods, debts, and other things whatsoeuer, but also concerning

all

all other perſons which by concealement clayme, or otherwiſe doe or ſhall offend touching the premiſſes, or any part thereof, contrarie to the intent and true meaning of the ſaide Statute, to do and execute all and euery thing and things whatſoeuer as well towards and for ſatisfaction and payment of your ſaid Orators, as towards and for all other intents and purpoſes, according to the ordinance and prouiſion of the ſaid Statute: And your ſaid Orators ſhall dayly pray &c.

The Commiſſion vpon the Statute of 13. Eliz. Cap. 7. made againſt Bankerupts, and graunted to the Creditors vpon the Bill next before.

A ELizabeth by the grace of God Queene of England, Fraunce, and Ireland, defendor of the faith &c. To our truſtie and welbeloued Sir Rowland Heyward Knight, John Langley Alderman of our Citie of London, Tho. Hatton, Tho. Alderſey, Thomas Egerton Mercers, and William Wignall Merchant Taylor of our ſaide Citie of London, greeting. Whereas we be enformed that C. A. of London Merchantaylor vſing and exerciſing the trade of Merchandize by way of bargayning, and ſeeking his trade of liuing by buying & ſelling, and being a Subiect borne of this our Realme of England, in this preſent moneth of Nouember, in the xv. yeare of our Raigne, viz. about the ſecond day of the ſame moneth, did begin to keepe his houſe ſcituate in London aforeſaid, and ſithence hath departed from his ſaide dwelling houſe and abſented himſelfe, to the intent to defraude and hinder T. B. of C. in the Countie of Deuonſhire Clothier, W. Y. of London Grocer, Hi. G. Merchant, and others his Creditors, being alſo Subiects borne of this our ſayde Realme, of their iuſt debts and dueties to them due and owing, and ſo is become a Bankerupt, We minding the due execution of the Statute touching orders for Bankerupts in our Parliament holden at Weſtminſter in the xiii. yeare of our Raigne made and prouided, vpon truſt of your wiſedomes diligence and prudent circumſpections which we haue conceaued in you, doe by theſe preſents name, aſſigne, appoint, conſtitute, and ordayne you, our ſpeciall Commiſſioners, geuing full power and aucthority vnto you, fiue or foure of you, whereof they the ſayde Sir Row. H. I. L. or T. H. to be one, according to the ſayde Statute, not onely concerning the ſayde Bankerupt hys bodie, lands, freehold, and Cuſtomarie goods, debts, and other things whatſoeuer, but alſo concerning all other perſons, which by concealement, clayme, or otherwiſe doe or ſhall offend touching the premiſſes, or any part thereof, contrarye to the intent and true mea- Sect. 155.

ning of the ſaide Statute, to do and execute accoꝛding to the ſaide Statute all and euerie thing and things whatſoeuer as well foꝛ and towards ſatiſfaction and payment of the ſaide Creditoꝛs, as towards and foꝛ all other intents and purpoſes, accoꝛding to the oꝛdinance and pꝛouiſion of the ſaide Statute: Willing and commaunding you, fiue oꝛ foure of you, whereof Sir Row. H. I. L. oꝛ T. H. to be one, to pꝛoceede to the execution and accompliſhment of this our Commiſſion accoꝛding to the true intent and meaning of the ſaide Statute with all diligence and effect, as our ſpeciall truſt is in you: Witneſſe our ſelues at Weſtminſter the fifth day of Nouember, in the xv. yeare of our Raigne.

A precept from the ſayde Commiſſioners to the Officers, to make proclamation according to the ſaide Statute againſt Bankrupts: that the ſaid Bankrupt before a day certaine come in and yeeld his bodie to the Commiſſioners, or to one of them.

To the Bayliffes and head Officers of the Burrough of Southwarke.

Sect. 156. WEe the Commiſſioners hereafter named by vertue of the Queenes higneſſe Commiſſion to vs directed, require & charge A you fiue ſundꝛie market dayes next enſuing the receipt hereof, to make fiue ſundꝛy Pꝛoclamations in manner and foꝛme hereunder ſpecified.

The Proclamation.

Sect. 157. THe Queenes highneſſe doth ſtrictly charge and commaund C. A. Merchantaylоꝛ of the Citie of London, that he at oꝛ before the A day of next comming in the Guildhall of London, oꝛ where you ſhall appoint, yeeld his bodie before Sir Row. Heyward Knight, oꝛ before ſome one of the ſaid Commiſſioners appointed by her highneſſe vnder her great ſeale of England, til the due execution of the Statute touching oꝛders foꝛ Banckrupts lately made and pꝛouided, vpon paine and perrill of the penaltie of the lawe in that caſe limited and appointed.

An Indenture vpon the ſaide Commiſſion and Statute of Bankerupts betwixt the Commiſſioners of the one partie, and the Creditors of the other partie, whereby the Commiſſioners after view, ſearch, and praiſement made, ſell certaine of the goods of the debtors vnto the creditors in part of ſatisfaction of their debts, with a Schedule annexed vnto the ſaid Indenture which is likewiſe indented, wherein are contayned the particulers of the goods with their ſeuerall prices, as they be prized by the Commiſſioners to the one part of which Indentures is put to the hands

hands and ſeales of the ſaid Commiſſioners, and to the other of the ſaid Indentures the hands and ſeales of the crediters.

A THis Indenture made &c. betweene ſir R.H.Knight, A.B. C.D. E.F. of the one partie, and G.H. and I.K. creditors of C.A. Citizen and Merchantaylor of London on the other partie, witneſſeth, That where our ſaid ſoueraigne Lady the Queenes Maieſtie that now is, by her highneſſe letters of Commiſſion bearing date at Weſtminſter the fifth day of Nouember laſt paſt before the date hereof, minding the due execution of the Statute touching orders for Bankerupts in her Parliament holden at Weſtminſter in the xiii. yeare of her highneſſe ſaid Reigne made and prouided, reciting, that whereas her Maieſtie was enformed that C. A. of London Merchantaylor vſing and exerciſing the trade of Merchandize by way of bargaining, and ſeeking his trade of liuing by buying and ſelling (and being a ſubiect borne of this her Realme of England) in the ſaid moneth of Nouember, in the xv. yeare of her Maieſties Raigne, that is to ſay, about the ſecond day of the ſaide moneth, did begin to keepe his houſe, ſcituate in London aforeſaid, and ſithence hath departed frō his ſaide dwelling houſe & abſented himſelf, to thentent to defraude & hinder his creditors, being alſo ſubiects borne of this her ſaid Realme of England of their iuſt debts & duties to them due & owing, & ſo is become a Bankerupt, hath aſſigned, appointed, conſtituted & ordained the ſaid R.H. &c. her eſpeciall Commiſſioners, geuing full power & authoritie vnto them 5. or 4. of them, whereof the ſaid Sir R.H. to be one, according to the ſaid Statute, not only concerning the ſaid Bankerupt his bodie, lands, freehold, & cuſtomarie goods, debts, & all other things whatſoeuer, but alſo concerning all other perſons which by concealemēt claime, or otherwiſe do or ſhall offend touching the premiſſes or any part thereof, cōtrary to thentent & true meaning of the ſaid Statute, to do & execute according to the ſaid Statute all & euery thing & things whatſoeuer as well towards & for ſatisfaction and payment of the ſaide creditors, as towards and for all other intents & purpoſes, according to the order & prouiſion of the ſaid Statute in that caſe prouided, as by ẏ ſame Commiſſion more plainely it doth and may appeare: By force and vertue of which ſaid Statute, and of the ſaide Commiſſion, the ſaide Commiſſioners haue cauſed certaine goods, Cattels, wares, and Merchandizes of the ſaide C. A. contayned and mentioned in a Schedule indented to theſe preſents annexed, to be ſearched, viewed & appriſed: And alſo haue ſold & deliuered, and by theſe preſents do ſell & deliuer to ẏ creditors aforenamed, all the ſaid goods, Cattalls, Wares, Merchandizes, contayned and mentioned in the ſaid Schedule indented to theſe preſents annexed, To haue and

Sect. 158.

to hould the ſame & euery part thereof to the ſaid Creditoꝛs befoꝛe named, their executoꝛs, adminiſtratoꝛs, and aſſignes, to their owne pꝛoper vſes foꝛ euer towards the ſatiſfaction and payment of the ſaid Creditoꝛs, that is to ſay, to euery of the afoꝛenamed creditoꝛs a poꝛtion, rate, and ratelike, accoꝛding to the quantitie of the debts: In witneſſe whereof the ſaid parties to theſe Indentures interchangeablie haue ſet to their Seales. Yeuen the day and yeare firſt aboue wꝛitten.

The intituling of the Schedule mentioned in the Indẽture next before written, and annexed to the ſame Indenture.

Sect. 159. IN this Schedule indented is contayned and mentioned certayne goods, wares, Cattels, & Merchandize late of C. A. Merchantaylor, which be ſould by the Indentures, whereunto this Schedule indented is annexed, that is to ſay, in his houſe in L. in the pariſh of G. in London. *Imprimis &c.* A

A Bill into the Chauncery againſt one by a priſoner in the Fleete, to compell the defendant to proceede in an agreement made betwixt the plaintife and the defendant for his enlargement, by the order of the Lord Chauncelor then dead.

To the right reuerend Father in God, Nicholas Archbiſhop of Yorke, and Lord Chauncelor of England.

Sect. 160. MOſt humblie complayning, ſheweth vnto your grace, your dayly and pooꝛe Oꝛatoꝛ W. Y. of Y. in the Countie of Cheſter Gent now being pꝛiſoner in the Fleete at the ſuit of R. D. of the ſame Countie Eſquier, committed thereunto by the late reuerend Father in God the Biſhop of Ely being then Loꝛd Chauncelloꝛ of England, of and vpon a Statute of 200. l. which ſuit of the ſaide R. D. hath thus remayned the ſpace of eight oꝛ nine yeares, to the great miſerie and vtter vndoing of your graces ſaide Oꝛatoꝛ. And where diuers agreaments, with other diuers meanes haue bene taken and made betweene the ſaid R. D. and your ſaide Oꝛatoꝛ, and eſpecially the laſt day of May, in the laſt yeare of our late Soueraigne Loꝛd King Edward, befoꝛe Doctoꝛ Lyell, & Maiſter Dyer, appointed then by the ſaid late Lo. Chauncelloꝛ, where it was agreed betweene ẏ ſaid R. D. & your graces ſaid Oꝛatoꝛ, that your ſaid Oꝛatoꝛ ſhould be bound in 1000. l. that he ſhould not alienate noꝛ ſell any parcell of his lands now being in his poſſeſſion, oꝛ to him in reuercion: And all ſuch lands that were ſold by your ſaide Oꝛatoꝛ, that your ſaid Oꝛatoꝛ ſhould endeuoꝛ w̃ all diligence to recouer the ſame againe: And furthermoꝛe it was agreed & oꝛdered betweene ẏ ſaid R. D. and your ſaid Oꝛatoꝛ, that your ſaid Oꝛatoꝛ ſhould put in ſuerties A

to

to pay vnto the ſaide R.D. 50. pound of lawfull money of England, that is to ſay, fiue pound yearely during tenne yeares next enſuing: All which orders and agreements your Graces ſaid Orator is contented to accompliſh and fulfill: Yet notwithſtanding the ſaide R. D. minding rather the continuance of your ſaid Graces Orator in priſon to his vndoing, will neither obey the late ho. Lord Chaunceloꝛs order then made therein, nor yet the agreaments heretofore made, but onely doth finde delayes to prolong the time, to the vtter vndoing of your Graces Orator. In conſideration whereof the premiſſes tenderly conſidered, it may pleaſe your Grace to commaund the ſaide R. D. to appeare before your Grace, and to take ſuch order with him as ſhall ſeeme beſt to your Grace. And your ſaid Orator ſhall pray for your Grace long to continue.

A Bill into the Chauncerie by the Husband and Wife, for and on the behalfe of diuers to compell executors to pay legacies, wherein is ſhewed, that they to whom the legacies be giuen haue no remedie by the eccleſiaſticall lawe to compell the then executors to pay the ſaid legacies.

To the right Honorable Sir Nicholas Bacon Knight,
Lord Keeper of the great Seale
of England.

A IN moſt humble wiſe complayning ſheweth vnto your honoꝛs good Lordſhip your daily Oratoꝛs A.T. Eſquier, and Katharine his wife, late wife vnto one R.K. deceaſed, and one of the daughters of William W. of B in the County of Warwike Eſquier deceaſed, for, and in the behalfe of William C. ſonne of the ſaid Katharine, and for and in the behalfe of Mary T. and K.T. daughters of the ſaid A. and Katharine, and of W.G. ſonne of Ed.G. Knight, of the body of Margaret G. one other of the daughters of the aforenamed W.W. lawfully begotten, Ed.H. and Anne his wife, one of the daughters of the aforenamed Ed. G. and Margaret, and Tho.H. and Elizabeth his wife, one other of the daughters of the ſaid Sir Ed. and Margaret. That whereas the aforeſaid William W. in his life time had iſſue ſeuen daughters, that is to ſay, Margerie late wife of Thomas H. Eſquier, and after that wife to the ho. Sir A.C. Knight, one of the Queenes moſt honorable priuie Councell, and now Chauncelloꝛ of her highneſſe Duchie of Lancaſter, Godith, wife to B.F. Eſquier, Elizabeth, late wife of Ed.B. Eſquier deceaſed, Mary, wife of William S. Eſquier, Margaret, wife of the ſaid Sir Ed.G. Anne, wife of Frauncis Ho. Eſquier, and Katharine, one of your ſaid Oratoꝛs. And whereas alſo the ſaide W.W. in his life time was poſſeſſed of and in diuers goods and chattels, houſhold ſtuffe, Sect. 161.

 plate,

plate, Jewels, and also entituled to certaine debts amounting to the value of tenne thousand pounds or thereabouts, and so being thereof possessed and entituled, did constitute and make his Testament and last Will, and by the same did bequeath, geue, and demise to diuers and sundrie persons diuers great legacies perticulerly and certainely set forth in the said last Will, amounting in the whole to the summe and value of 3500. pound or thereabouts: And the residue of all his goods, Chattels and debts due vnto him after his funerall erpences performed, his debts paid, and all his legacies and bequests perticulerlie contayned and mentioned in his said Will, fulfilled, performed, and payd, hee the sayde W. W. by his sayde Testament and last Will did geue and bequeath to the preferment of all the children comming of hys sayde fiue eldest daughters, and to W. T. Mary T. and Katharine T. three of the Children of the sayde Katherine, nowe Wife of the sayde Anthonye T. youngest Daughter of the sayde W. W. to be equallie deuided amongst them by the discretion of hys executors: And by the same hys Testament and last Will, hee did ordayne, nominate, and make the sayde honorable Sir A. C. Knight, Sir Ed. G. Knight, nowe deceased, Basill F. and W. S. Esquiers, and one W. B. Esquiers deceased, his Executors, as by the same his Testament and last Will more at large it doeth and may appeare: And afterwards in the moneth of May, in the second and third yeares of King Phillip and the late Queene Mary, hee the sayde W. W. dyed possessed of the sayde goods, Chattels, and debts, amounting to about the summe or value of tenne thousand pounds. After whose decease, the sayde Executors did take, administer, and agree to the sayde Testament, which speciall Legacies aforesayde eyther be or might haue beene by the sayde Executors long sithence fulfilled, satisfyed, and paide, so as the residue should and ought to come to the sayde Children according to the sayde Will. And although your sayde Oratours haue diuers and sundrye tymes required the sayde Executors to make payment of so much of the residue of the sayde goods, Cattalls, and debts, as to them appertayned, yet that to doe, they and euerie of them haue hitherto refused and denyed, contrarie to right, equitie, and good conscience. In consideration whereof, and for as much as your sayde Orators cannot certainely tell and declare the seuerall parcels of the sayde goods, Cattalls, and debts, nor what the sayde Executors haue payd or receiued for any manner of debts owyng by or to the sayde W. W. by reason whereof, they are vnable to prosecute for their remedie in the premisses at and by the order of the Ecclesiasticall lawes of this Realme. May it therefore

please

pleaſe your good Lordſhip to graunt the Queenes Maieſties writ of Subpena to be directed to the ſaid Executors, &c. commaunding &c.

A bill containing that a leaſe of a rectorie, and the buildings, gleebe lands, and tythes was made by the Deane and Chapter of a Colledge in Oxford to the plaintifes father for terme of yeares reſeruing a rent: And that the ſame by force of the ſaid leaſe was long poſſeſſed. That the ſaid leaſe came to the plaintife by meane conueyance, and that continuing the tearme, the defendant ſuggeſting to the ſaid Deane and Chapter that the ſaid Rectory and tythes were occupied by the plaintife without leaſe, or title, hauing a purpoſe to conceale and defraude the ſaid Colledge of the ſaid Rectorie and tythes, became a ſuitor to the now Deane and Chapter to haue a Leaſe of the ſaide Rectorie and tythes for 21. yeares, and thereupon obtained a leaſe thereof for 21. yeares, yeelding for it the accuſtomed rent, with an augmentation of rent corne. That the defendant hauing obteyned a leaſe of the ſaide rectorie and tythes for 21. yeares, ſued the plaintife for the ſame in the Excheker at Weſtminſter in a quo minus, and that he did interrupt the plaintifes poſſeſſion: And then the plaintife prayeth an iniunction for ſtay of the ſaide ſuite, and for the eſtabliſhing of his poſſeſſion and proces againſt the defendant and the Deane and Chapter to aunſwere the bill.

To the Right Ho. Sir Io. Puckering Knight, Lo. Keeper of the great Seale of England.

A IN moſt humble wiſe complayning ſheweth vnto your good Lo. your dayly Orator T.B. of N. in the Countie of C. Eſquier, that whereas the Deane & Chapter of Chriſtes Church in the Vniuerſitie of Oxford, were ſeaſed in their demeſne as of fee in the right of their ſayd Church of & in the Rectorie & Parſonage of R. with the appurtenãces in ỹ ſaid Countie of C. being a Parſonage impropriate, and being ſo thereof ſeaſed by their deede indented ſealed with their common ſeale (the certain date wherof to your ſaid orator is vnknowne for wãt of hauing ỹ ſame) did for the conſiderations in ỹ ſaid Indenture ſpecified, demiſe, graunt, & to farme let all the ſaid Rectorie & parſonage of R. with the appurtenances, & all maner of houſes, barnes, glebe lands, tithes, fruits, profits, & aduãtages whatſoeuer to ỹ ſame Rectorie & parſonage belonging or in any wiſe appertaining vnto one R.B. late of N. in ỹ ſaid Countie of C. Eſquier deceaſſed, father vnto your ſaid Orator for a number of peares yet enduring, reſeruing thereby a great annuall rent (the tithes of ỹ vicarage of R. aforeſaid, & the patronage & diſpoſition thereof, and all ỹ woods & timber trees of ỹ ſaid parſonage alwaies excepted & foreprized out of the ſaid leaſe) which ſaid eſtate, intereſt, & terme of peres of him ỹ ſaid R.B. of & in the ſaid Rectorie, your Lo. ſaid Orator by good Sect. 162.

and ſufficient conueyance and aſſurance in the lawe now hath, by vertue of which ſaide Leaſe as well the ſaide R. B. in his life time, as alſo your ſaid Oratour ſince the death of the ſaide R. haue by the ſpace of many yeares together beene lawfully poſſeſſed of the ſaid rectorie, and haue yearely from time to time ſince the making of the ſaid leaſe, quietly and peaceably receiued, leuied, taken, and enioyed in their ſeuerall times all the iſſues, commodities, & profits thereof to their owne proper vſe and behoofs, without the diſturbance, let, or interruption of any perſon or perſons whatſoeuer vntill now of late, So it is if it may pleaſe your good Lordſhip, that one I. D. of D. in the ſaide Countie of C. Eſquier, hauing by ſome caſuall meanes gotten into his hands and cuſtodie the ſaid Indenture of leaſe made to the ſaide R. B. of the ſaide rectorie by the ſaid Deane and Chapter as aforeſaid, and diuers other writings and meane conueyances concerning the ſame of right belonging to your ſaid Oratour, became an earneſt ſuitor vnto William I. Doctour of Diuinitie, Deane of Chriſts Church in Oxford aforeſaid, R. P. T. T. &c. being the Chapter of the ſame Church, to procure a leaſe vnto him the ſaide I. D. from the ſaide Deane and Chapter of the tythes of the ſeuerall Townſhips, Hamlets, & places of H. P. &c. which ſaid Townſhips, Hamlets, and places are ſcituate, lying and being within the limits and precincts of the ſaide Rectorie formerlie demiſed to the ſaid R. B. as aforeſaid, the ſaid I. D. vntrulie ſuggeſting vnto the ſaide Deane and Chapter, that the Tithes of thoſe ſeuerall townſhips were concealed from the ſaide Deane and Chapter, And that they had no rent or reuenue at all to them therefore anſwered or paid by your ſaide Orator, nor by any other perſon or perſons, vnto which ſaid ſuit and accompliſhment thereof the ſaid Deane and Chapter, as your Oratour hath bin credibly enformed, would not of long time conſent vpon ſuſpicion by them conceyued that the ſaid I. D. had ſome purpoſe or intent to procure from them a leaſe of ſome ſuch hamlets and townſhips as were formerlie demiſed to the ſaide R. B. by the generall name of the rectorie of R. wherin the ſaid ſeuerall townſhips were included, whereby the ſaide I. D. might impeach and call in queſtion the validitie of the ſaide leaſe made to the ſaide R. B. And thereupon the ſaid Deane and Chapter did affirme and declare to the ſaid I. D. that they would not demiſe or graunt vnto him the ſaid I. D. any thing that was compriſed in the ſaide leaſe made to the ſaid R. B. mentioned or intended to be demiſed vnto him the ſaide R. B. in or by the ſame, vnto whome the ſaid I. D. made aunſwere, that the ſaide Tithes of the ſaide ſeuerall Townſhips and hamlets before mentioned, were not at all demiſed by the ſaid Deane and Chapter to the ſaid R. B. and that his purpoſe was not to challenge any thing by demiſe

from

from them which was formerlie letten to the ſaid R. B. but only ſuch things as were concealed from the ſaid Deane and Chapter, for which he would yearely anſwere and pay vnto the ſaide Deane and Chapter the old acuſtomed rent, with an augmentation of a yearely reuenue of Corne, according to the forme of the Statute in ſuch caſes prouided. Whereupon the ſaid Deane and Chapter giuing credit to the ſaid I. D. and willing to recontinue ſuch things as the ſaid I. D. affirmed to be wrongfully concealed and detayned from them, and thereby to increaſe their yearely reuenue, and hauing withall a great reſpect not to preiudice your ſaid Orator by any leaſe they ſhould make to the ſaide I. D. nor to leaſe any thing demiſed to the ſaid R. B. did at the importunate ſuite of the ſaid D. in July, in the xxviii. yeare of the Raigne of our gratious ſoueraigne Lady the Queenes Maieſtie that now is by their Indenture ſealed with their common ſeale, demiſe, and to farme let to the ſaid I. D. all their tithes, of what nature, kinde, or qualitie ſoeuer of the ſaide ſeuerall townеſhips and hamlets before mentioned, the ſame being within the ſaide precinct of the ſaide Rectorie of R. as aforeſaid from the feaſt of S. Iohn the Baptiſt laſt paſt before the date of the ſaid Indenture vnto thend and terme of one and twentie yeares. The ſaid Deane and Chapter then verily ſuppoſing that none of the tythes of the ſaide townеſhips were included or compriſed in the ſaide leaſe of the ſaid rectorie of R. made to the ſaid R. B. but that the ſame were other things exempted out of the ſaide leaſe, and concealed and wrongfully detained from the ſaid Deane and Chapter, and not within the limits and bounds of the ſaid rectorie. By coulour of which ſaid leaſe procured by the ſaide I. D. by ſuch practiſe and meanes as aforeſaid, and by hauing in his hands the ſaid Indenture of leaſe made to the ſaid R. B. of right belonging to your ſaid Orator the ſaid I. D. hath of late not only many wayes interrupted your ſaide Orators poſſeſſion of and in the tythes of the ſaid townеſhips and hamlets, but hath alſo thereupon attempted ſuite in her Maieſties Court of Exchequer at Weſtminſter by writ of Quo minus againſt your ſaide Orator for the taking and carrying away of diuers parcels of the ſaid tythes growing and renuing within the ſaid ſeuerall Townеſhips and hamlets. And albeit your ſaid Orator hath diuers and ſundrie times in gentle manner required the ſaid I. D. not only to deliuer vnto your ſaide Orator the ſaid Indenture of leaſe ſo made to the ſaid R. B. together with the ſaid other writings and meane conueyances of right belonging to your ſaid Orator, but alſo quietly to permit and ſuffer your ſaide Orator to haue and enioy the premiſſes according to right, equitie, and conſcience: Yet that to do the ſaid I. D. hath alwayes denied and refuſed, and yet doth denie and refuſe, challenging the ſame by vertue of the

ſaid

ſaid ſuppoſed leaſe made to him by the ſayde Deane and Chapter, contrarie to all equitie and good conſcience. In tender conſideration whereof, and forasmuch as your ſayde Oratour knoweth not the certaine date and contents of the ſayde Leaſe made to the ſayde R. B. and of the meane conueyances aforeſayde, nor wherein the ſame be conteyned, whereby your ſayde Orator is remedileſſe for the recouerie of the ſame by the order of the Common lawe. Neither is hee able to pleade the ſaid leaſe in certentie at the Common lawe, whereby he ſhall iuſtifie his right and title to the ſaide tithes by him lawfullie taken as aforeſayd. And for that the ſayd Deane and Chapter were ſo abuſed by the inſinuations and vntrue pretences of the ſaid I. D. and had no purpoſe at all to impeach the ſayde Leaſe made to the ſayde R. B. nor your ſayde Orator his title to the ſayd Tithes and other the premiſſes claymed by vertue of the ſame, nor yet to demiſe or graunt any thing to the ſaide I. D. that was compriſed, or intended to be demiſed in and by the ſaide Indenture of leaſe made to the ſayde R. B. May it therefore pleaſe your good Lordſhip, the premiſſes tenderly conſidered, to graunt vnto your ſayde Orator her Maieſties moſt gratious writ of Subpena to be directed to the ſayd William I. Deane of Chriſt Church aforeſayd, and to the ſayde R. P. T. E. &c. and to the ſayd I. D. who is vſuallie reſident within the Citie of London, commaunding them and euerie of them thereby vnder a payne therein to be limited, to appeare before your Lordſhip in her Maieſties high Court of Chauncerie, immediately then and there to aunſwere the premiſſes: And alſo to graunt vnto your ſayde Orator her Maieſties moſt gratious writ of Iniunction for the eſtabliſhing of your ſayde Oratours poſſeſſion, of and in the ſaide rectorie, and other the premiſſes, and for the ſtay of all Actions commenced, or to be commenced againſt your ſaide Orator at the Common lawe vpon or by coulour or pretence of the ſayde Leaſe ſo vndulie procured by the ſayd I. D. from the ſayde Deane and Chapter, and further to ſtand to and abide ſuch other order herein as to your Lordſhip ſhall ſeeme to ſtand with Iuſtice and equitie. And your ſaide Orator ſhall dayly pray for your Lordſhip in all honour and happines long to continue.

T. E.

E. C.

R. C.

The

The Aunſwere of I. D. Eſquier one of the defendants, to the vntrue bill of complaynt of T. B. Eſquier complaynant.

A The ſaid defendant ſaith, that the ſaid Bill of complaynt is very vntrue, vncertaine, and inſufficient in the Lawe to be aunſwered vnto, not contayning any ſufficient matter or iuſt cauſe of ſuit againſt this defendant, but only deuiſed & contriued by the complainant, to put him as it ſeemeth to wrongfull veration, coſts, charges, & expences in the law without any iuſt cauſe of ſuit, whereof this defendant doth demaund iudgement of this ho. Court, & prayeth to be diſmiſſed out of the ſame. Neuertheleſſe, if this defend ſhalbe cõpelled to make any further aunſwer to the ſaid bill of complaint, ſaith, that he vnderſtanding ẏ the ſaid leaſe for yeares mentioned in the ſaid bill of complaint made to the ſaid R. B. father of the ſaid complaynant, to be a meere void leaſe, and of no force & validitie in lawe, for that the ſame leaſe was not demiſed by the Deane & Chapter, but by the Deane, with the aſſent & conſent of the Chapter procured diuers letters of ſundrie honorable perſons to the ſaid Deane & Chapter of Chriſt Church of Drenford named in the ſaid bill of complaint in this defend behalfe and fauour for the obtaining of a leaſe for yeares of the ſaid Deane and Chapter, the which ſaid Deane & Chapter at the requeſt & contemplation of thoſe letters by their Indenture vnder their Chapter ſeale, did amongſt other things demiſe, & to farme let vnto this defendant all that their tythe Corne & graine, comming, renuing, & yearely growing in the Townehips or townes and fields mentioned in the ſaid bill of complaint for the terme of xxi. yeares, by vertue of which demiſe to him made, this defendant taketh himſelfe lawfullie intereſſed and intituled in and to the ſaid tithes demiſed vnto him, and becauſe this defend meant to proceede in a plaine, vpright, and lawfull courſe in lawe againſt the ſaide complaynant for the triall of the validitie of his ſaid pretended leaſe, brought his Accion in the Court of Exchequer by way of *Quo minus* againſt the ſaide complaynant & others, and as it ſeemeth now to this defend the ſaid complaynant perceiuing the weakenes & inualiditie of his owne title vpon fained & vntrue ſurmiſes, hath exhibited the ſaid bill of complaint into this ho. Court, to vex & trouble this defend & the other defendants named in the ſaid bill of complaint, to maintaine & continue his wrongful poſſeſſion by a void leaſe, & of no validitie in law, as to your Lo. for the cauſe aforeſaid may apeare, which ſaid leaſe the ſaid compt to the great preiudice & hinderance of the ſaid Colledge & Students thereof, laboureth and ſeeketh to enioy, being void in lawe, and which leaſe if it were a good leaſe ſhould indure and continue for many moe yeares Sect. 163.

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then the leaſe made to this defendant, and would be leſſe in yearely rent and benefit to the ſaide Colledge then this defendants leaſe will be, reſpect being had to the things demiſed: And therefore as this defendant thinketh the ſaide complaynant is not to be releeued by any equitie, or maintayned in poſſeſſion vpon a meere void leaſe in lawe, ſince that by coulour of the ſaid void leaſe the ſaid complaynant and his father haue receiued ſo great a profit for many yeares paſt: without that that the defendant hath by any caſuall meanes gotten into his hands and cuſtodie the ſaid Indenture of leaſe made to the ſaid R. B. of the ſaid rectorie by the ſaid Deane and Chapter, and diuers other writings and meane conueyances concerning the ſame of right belonging to the ſaide complaynant, as moſt vntruly by the ſaid Bill of complaynt is alledged, for that he ſaith, that he neuer had the ſaid ſuppoſed leaſe, nor any meane conueyance thereof, or that the ſaid Deane and Chapter euer at any time made any ſuch leaſe to the ſaide R. B. father of the ſaid complaynant as the ſaid complaynant ſurmiſeth, but ſuch a leaſe as in this defendants aunſwere is before alledged, or that the defendant vntrulie ſuggeſting vnto the ſaid Deane and Chapter the other defendants in the ſaid bill of complaynt that the tithes in the ſaid ſeuerall townethips mentioned in the ſaide bill of complaynt were concealed from the ſaid Deane and Chapter, and that they had no rent or reuenue at all to them therefore aunſwered or paid by the ſaid complaynant, nor by any other perſon or perſons, as moſt vntrulie is alledged and ſurmiſed by the ſaid bill of complaynt: or that the ſaid Deane and Chapter did affirme and declare to this defendant, that they would not demiſe or graunt vnto him this defend any thing that was compriſed in the ſaid leaſe made to the ſaid R. B. or that was mentioned or intended to be demiſed to him the ſaid R. in or by the ſame leaſe. Or that vpon any ſuch affirmation this defendant made aunſwere, that the tythes of the ſaide ſeuerall townethips mentioned in the ſaide bill of complaynt, were not demiſed by the ſaide Deane and Chapter to the ſaid R. B. And without that this defendant alledged that his purpoſe was not to challenge any thing by demiſe from them, which was formerlie letten to the ſaid R. B. but only ſuch things as were concealed from the ſaide Deane and Chapter as moſt vntrulie is alledged by the ſaide bill of complaynt, but he ſayth that he affirmed if he might haue a leaſe made to him he would yeeld an increaſe of rent of corne according to the forme of the ſtatutes in ſuch caſes prouided. And further this defendant ſayth, as before he hath ſaid, that he being enformed that the leaſe made to the ſaid R. B. to be a void leaſe, became an earneſt ſuitor by the meanes aforeſaid for a leaſe of the ſame things that were pretended to be demiſed to the ſaide R. B. and enformed the ſaide Deane and

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Chapter, that they might and that they had power in them to demiſe the ſame. And this defendant further ſaith, that there was included in the ſaid ſuppoſed leaſe made to the ſaid R. B. all the things that be demiſed to this defendant, and if this defendant ſhould not haue meant to haue had in leaſe from the Deane and Chapter the things ſuppoſed to be demiſed to the ſaid R. B. and to enioy the ſame, then ſhould he haue had by his leaſe no benefite, and ſhould vainely haue procured ſuch honorable friendſhip: And therefore he ſayth, that the ſame allegation ſuggeſted in the ſaid Bill of complaint, that this defendant meant not, or that his purpoſe was not to challenge any thing by demiſe from the ſaid Deane & Chapter, that was in ſhew formerlie demiſed to the ſaid R. B. is moſt vntruly alledged againſt all probabilitie of reaſon, when as he wel did know, and the Deane and Chapter alſo might vnderſtand that the whole rectorie except the vicarage was in ſhewe demiſed, and the tithes of the ſaid townes hips included in the ſaid ſuppoſed demiſe, and therefore ſaith, that the ſaid Deane and Chapter at the contemplation and requeſt of the ſaid letters made a leaſe of the ſaid tithes to this defendant, and to manifeſt their good intention and meaning towards this defendant for the enioying thereof, the ſaid Deane and Chapter gaue this defendant a Tranſcript of the Counterpane of the ſaide ſuppoſed leaſe vnder their Chapter ſeale, and beſides this defendant had a rentall deliuered in writing to him, expreſſing or conteyning the rents of the townes hips mentioned in the ſaide bill of complaint. And this defendant ſaith, that his meaning was euer to haue and enioy the benefit of the ſaid demiſe, and of the things therein contayned, and ſo he taketh it, the ſaid Deane and Chapter ſo ment and vnderſtood the ſame, being perſons of ſo great learning, iudgement, and diſcretion, that they would not graunt the ſame things and meane contrarie to their owne demiſe: And without that the ſaid Deane and Chapter then verely ſuppoſing that none of the tithes of the ſaid townes hips were included or compriſed in the ſaid leaſe of the ſaid Rectorie of R. made to the ſaide R. B. but the ſame were other things excepted out of the ſaide leaſe, and concealed, and wrongfully detained from the ſaid Deane & Chapter, and not within the bounds and limits of the ſaid Rectorie, as moſt vntrulie and vainely it is alledged by the ſaid bill of complaint, without either reaſon, or probabilitie of reaſon, or that the ſame demiſe made to this defendant was made vpon any ſuch fained and vntrue allegation: For he ſaith that ſuch an ouerſight may not be without any reaſon imputed to the ſaid Deane and Chapter, being men of learning and iudgement, that they ſhould ſuppoſe none of the tithes of the ſaide townes hips were included in the ſaid leaſe of the rectorie of R. made to the ſaid R. B. but other things excepted and concealed, and not within

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the limits and bounds of the said rectorie, when as to the said Deane & Chapter by the said rentall may apeare, that the townes mentioned in the said bill are parcell of the rectorie of R. and the tithes in the same towne demised to this defend. And the said defend further saith, that he hath not had or euer had in his hands the said Inventure of lease made to the said R. B. nor by coulor of hauing thereof hath attempted any suit, but began his suit by reason of his owne lease made to him, which he taketh is lawfull for him to do. And without that, that there is any other matter or thing touching this defendant materiallie, or effectuallie to be answered vnto, and not herein confessed and auoided, trauersed or denied, is true: All which matters this defendant is readie to auerre and proue as this honorable Court shall award: and prayeth to be dismissed out of this honorable Court, with allowance of his costs and charges &c.

W.D.

The ioint and seuerall Aunsweres of W.I. Doctor of Diuinitie, Deane of the cathedrall Church of Christ in Oxford, of King Henry the 8. foundation, R.P. A.W. T.T. &c. Prebendaries of the cathedrall Church defendants to the Bill of complaynt of T.B. Esquier complaynant.

Sect. 164. THe said defendants all aduantages of exception to the incertaintie & insufficiency of the said bill of complaint being to them these defendants now & at all times hereafter saued for direct aunswere thereunto so farforth as concerneth the knowledge of them these defend materiall for them to answere vnto saith as followeth, that is to say, that heretofore I.D. in ý said bill of complaint named was an earnest suitor to the said defend W.I. & to the Chapter of the said cathedrall Church for the obteining and getting of a lease of all their the said Deane and Chapters tithe barne in P. in the Countie of C. and of all their tithe, corne, and graine, comming, renuing, and yearely growing in the townes and fields of P. aforesaid H. &c. in the said Countie of Chester, and of the tithe corne, grasse, Pigge, and Goose of T. in the said Countie of Chester, and of the tithe Haie and grasse of H.S. and K. aforesaid. And for the better obteyning of his said suit, he the saide I.D. obtained & procured seuerall letters frō diuers great and honorable persons of this realme directed to the said Deane and Chapter of the saide Cathedrall Church, whereby the said Deane & Chapter were earnestlie moued to grant & yeeld to the said request of the said I.D. At the which time the said I.D. did affirme & say to these defendants, or to the greater part of thē that in the premisses so by him the said I.D. required to be to him demised, there was then no lawful estate continuing, but vsurped by such occupiers as had no right vnto them, and who vouchsafed A

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not to ſeeke vnto the Church for them, nor to offer any good offers to them, and ẏ contrariwiſe himſelfe would reduce thoſe things to a more profitable reuenue to their Church, or vſed other words & ſpeeches to the like effect, by reaſon whereof, theſe defendants or the greater part of them the better to ſatiſfie their duties towards the ſaid ho. perſons in a ſuit ſo reaſonable, & tending to the benefit of their Church, did by Indenture vnder their Chapter ſeale bearing date the xxii. day of December, in the 35. yeare of the raigne of our ſoueraigne Lady the Qu. Maieſtie that now is, demiſe, graunt, & to farme let the ſaid tithe barne & other the premiſſes to the ſaid I. D. to haue and to hold to him his executors adminiſtrators & aſſignes from the feaſt of S. Tho. the Apoſtle laſt paſt before the date of the ſaid Indenture vnto the end and terme of xxi. yeares thence next following fully to be complet & ended as they thinke they might lawfully do, they then not knowing any lawfull leaſe to be in being of the premiſſes, and yet to the end & intent that no perſon hauing any lawfull intereſt in ẏ premiſſes, or in any part thereof for terme of three yeares or more (if any ſuch were) might be by the ſaid demiſe or grant of theſe defend̄ preiudiced or hindered, the defendants cauſed the ſaid I. D. by his ſufficient deed in writing as the defendants take it for the better ſecuritie, ſafetie, & quietnes of their lawfull tenants, whome they meant not ſhould be impeached to couenaunt with theſe defend̄ that the ſaid demiſe, nor any couenant, graunt or article in the ſaid Indenture of demiſe conteined, ſhould in any wiſe extend to bind or charge any of them the ſaid Deane & Chapters tenants, holding or clayming by good & lawfull graunt any lawfull eſtate for the terme of 3. yeares at the leaſt or more then to cōtinue, any matter or thing in the ſaid Indenture of demiſe mentioned to the contrary notwithſtanding, whereby it doth and may appeare to this honorable Court, that theſe defendants haue not done any thing concerning the ſaide demiſe of the premiſſes to the ſaide I. D. then as they thinke they and euery of them might lawfully do, making ſuch prouiſion as aforeſaid that no tenants which held by any lawfull intereſt ſhould be impeached by this their leaſe, without that that to the knowledge of theſe defendants or of any of them, the Deane and Chapter of Chriſts Church in the Vniuerſitie of Oxford, predeceſſors of theſe defendants, did lawfully demiſe, graunt, and to farme let the rectorie or parſonage of R. in the ſaide bill of complaint mentioned, with the appurtenances, to R. B. in the ſaide bill of complaint named in manner and forme, as in and by the ſaide bill of complaint is ſurmiſed. And without that that to the knowledge of theſe defendants or of any of them, the tythes demiſed by theſe defendants to the ſaid I. D. as is aforeſaid, were lawfully demiſed by the Deane and Chapter of the ſaide Cathedrall Church, predeceſſors of theſe defendants to the ſaide R. B. in manner and forme as is in and

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by the ſaid bill of complaint ſurmiſed: And without that that any other matter, clauſe, or ſentence in the ſaid bill of complaint compꝛiſed, being materiall in the opinion of them to be by theſe defendants aunſwered vnto, and not herein ſufficiently confeſſed and auoided or trauerſed and denied is true. All which matters they theſe defendants and euerie of them are readie to auerre and pꝛoue as this ho. Court ſhall award, and pꝛayen to be diſmiſſed out of the ſame, with their coſtes by them ſuſtayned.

The Replication of T. B. Eſquier complaynant, to the Aunſwere of I. D. Eſquier one of the defendants.

Sect. 165. THe ſaid complaynant by pꝛoteſtation not confeſſing or acknowledging any matter or thing materiall or effectuall in the ſaide Aunſwere alledged to be true in ſuch ſoꝛt, manner and foꝛme, as the ſame are thereby expꝛeſſed and ſet foꝛth, and by pꝛoteſtation alſo that the ſaid aunſwere is vncertaine, and inſufficient in the lawe to be replied vnto, foꝛ diuers great & aparant faults therein manifeſtly appearing, the benefit and aduantage whereof at all times hereafter to the complaynant ſaued and reſerued, the ſaide complaynant foꝛ replication replieth and ſaith in all things as befoꝛe in his ſaide bill of complaynt he hath ſaid. And further ſaith, that all and euerie the matters in the ſaid bill of complaint conteined are and be good, iuſt, true, certaine and ſufficient in the lawe to be aunſwered vnto in ſuch ſoꝛt, manner and foꝛme as they and euery of them in and by the ſaide bill of complaint by him beene moſt iuſtly, plainely, and trulie alledged and ſet fooꝛth, and the ſame he is readie to auerre and pꝛooue, as it ſhall pleaſe this ho. Court to award. And the ſaid complaynant further replieth and ſaith, that the ſaid Deane and Chapter the other defendants, named in the ſaid bill of cõplaint, had no meaning or intention to demiſe vnto the ſaid I. D. any thing that was by them or their pꝛedeceſſoꝛs foꝛmerlie demiſed to this complainants father, and in this complainants poſſeſſion by vertue of the ſaid leaſe, and to giue full ſatiſfaction thereof to this ho. Court. This complainant further ſaith, that the ſaid I. requiring of the ſaid Deane and Chapter to haue a leaſe of the townehip of R. together with the ſaid other townehips in the ſaid bill of complaint mentioned by him, pꝛocured a leaſe from the ſaid Deane and Chapter by ſuch pꝛactize and ſuggeſtion as in the ſaid bill of complaint is alleaged, the ſaid Deane and Chapter then made aunſwere to the ſaid I. D. that this complainant was the Farmer of R. and held the ſame by leaſe from the ſaide Deane and Chapter: And that they would not in any wiſe demiſe any thing to the ſaid Daniell that was compꝛiſed in the ſaid leaſe made to the complainants father. To which aunſwere A

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the ſaide I. D. replyed and ſayde that he could do well inough with that Leaſe if the ſayde Deane and Chapter would be pleaſed to demiſe the ſayde Townеſhip of R. with the reſt of the ſayde Townеſhips to him the ſayde I. D. whereunto the ſayde Deane and Chapter then aunſwered to this or the like effect, viz. that they woulde not goe about to impeach the ſayde Leaſe made to the ſayde complaynants father: and that it was not fitting for men of theyr cote and qualitie to ſtand vpon quirks and quillets in Lawe. By which wordes it euidentlie appeares that the ſayde Deane and Chapter were circumuented and miſled by the vntrue informations of the ſayde I. D. to them made in manner and forme as in the ſayde bill of complaynt is alledged and ſet foorth: and that they knewe not at the time of the making of the ſayde I. D. Leaſe, that the ſayde Townеſhips thereby letten were formerlie demiſed to the ſayde complaynants father in and by the generall wordes of the Rectorie of R. which did include the ſayde Townеſhips, ſo as if there be any ſuch defect in the ſayde Leaſe made to the ſayde complaynants father as the ſayde I. D. pretendeth by his ſayde aunſwere, as thys complaynant hopeth there is not, yet for as much as this complaynants father and this complaynant haue euer ſince the making of the ſayde Leaſe, which was many yeares ſince, quietly enioyed the ſame, and by all the ſayde time paid the rent to the ſayde Deane and Chapter reſerued thereupon: And that the ſayd I. D. procured his ſayde Leaſe by ſuch ſleights and ſubtilties as is aforeſayde. And that the ſayde Deane meant not to demiſe any thing to the ſayde I. D. that was formerlie demiſed to the ſayde complaynants father, nor to impeach the ſayde Leaſe made to the ſayde complaynants father vpon any defect whatſoeuer. Wherefore this complaynant hopeth this honorable Court will compell the ſayde I. D. to bring in the ſayde Leaſe ſo procured as aforeſayde into this honorable Court to be cancelled, or otherwiſe diſpoſed of, as to the ſame ſhall be thought meete: and will order that this complaynant ſhall haue and enioy the benefit of the ſayde Leaſe made to this complaynants father as aforeſaide, notwithſtanding any ſuch defect therein as is pretended by the ſaide I. D. And whereas the ſayde defendant alledgeth in his ſayde Aunſwere that the ſayde Deane and Chapter to manifeſt their good intention and meaning towards the ſayde defendant, and to the intent he might enioy ſuch things as they had to him demiſed, did deliuer vnto him a copie or tranſcript of the ſayde Leaſe made to this complaynants father, and a rentall of the ſaide ſeuerall townеſhips in the ſayde bill of complaynt mentioned. To that Allegation this repliant ſayth, that the purpoſe of the ſayde Deane and Chapter in

the deliuerie of the saide copie or transcript was, that the saide I. D. might thereby knowe what was demised or intended to be demised to the saide complaynants father. And to the end that he the sayde I. D. might not meddle with any thing comprised in the saide Lease, and to no other intent or purpose, without that that the saide Deane and Chapter did knowe by the saide Rentall that the townes mentioned in the saide bill demised to the saide I. D. were parcell of the saide rectorie of R. and were formerlie demised to the saide complaynants father, and without that that any other matter or thing in the saide aunswere alledged materiall or effectuall for this complaynant to replie vnto, and herein not sufficientlie confessed and auoided, denied or trauersed is true: All which matters this complaynant is readie to auerre and prooue as it shall please this honorable Court to award: And prayeth as before in his saide bill of complaynt hee hath prayed.

R. C.

The Replication of T. B. Esquier complaynant to the ioint and seuerall aunsweres of W. I. Doctor of Diuinitie, Deane of the cathedrall church of Christ in Oxford of King Henry the eights foundation, R. P. A. W. T. T. &c. Prebendaries of the said cathedrall Church defendants.

Sect. 166.

THe saide complaynant all aduantage of exception to the incertaintie and insufficiencie of the saide aunswere being to him this complainant nowe and at all times hereafter saued, for Replication thereunto so farre forth as doth concerne the said defendants, and the matter in the saide aunswere conteined and set downe replieth and sayth as followeth, that is to say, that this complainant doth and will auerre and prooue that the Deane and Chapter of Christes Church aforesaide in the Vniuersitie of Oxford, did demise the said Rectorie and Parsonage of R. whereof the premisses now in question are, and so time out of minde of man haue beene parcell vnto the saide R. B. by their deede Indented vnder their common or Chapter seale for diuers yeares yet enduring in manner and forme as this Repliant in and by his saide bill of complaint hath the same alledged and set forth, and did thereupon reserue a great annuall rent which doth continue due and payable vnto the said Deane and Chapter of Christes Church the saide defendants, and is and so hath beene by this Repliant continuallie paid from feast to feast, as the same feasts on which the saide rent is reserued and appointed by the said Lease to be paid haue yearely happened euen vntill this time, euer sithence this Repliant was interessed in the said Lease: And that the estate, interest, and title of the

said

ſaid R. B. for the yeares yet enduring of and in the ſaide Leaſe and premiſſes, is lawfullie come to this Repliant. And further replieth and ſaith, that the premiſſes in the ſaide aunſwere mentioned required by the ſaide I. D. to be to him by the ſaide Deane and Chapter demiſed, were not vſurped or concealed from the ſaide Deane and Chapter, but continuallie ſithence their foundations in charge and reuenewe and ſo at this time are to the ſayde Deane and Chapter, and a rent vnto them by this Repliant aunſwered for the ſame, without any intention of this Repliant to conceale the ſame from the ſaide Deane and Chapter, or anie their right vnto the ſame, or vnto any other their poſſeſſions: But contrarywiſe this complaynant is, and alwayes will be readie to further them in their right and poſſeſſions to the beſt of his endeuour. And this Repliant moreouer replieth and ſaith, without that that the ſaide I. D. his information to the ſaid Deane and Chapter, or to the greater part of them was grounded vpon anie matter of truth, but vpon a malitious couetous affection and greedie deſire which he hath and carrieth to prie and ſearch into his neighbors eſtates and intereſts in their poſſeſſions, not conuerting ſuch poſſeſſions as he hath of his owne to any ſo good vſe, or good of his countrey, as that he ſhould deſerue to haue them augmented with his neighbors, without that that it is true which the ſaide I. D. did affirme that the premiſſes by him required to be graunted in Leaſe by the ſaid Deane and Chapter vnto him were vſurped by ſuch as had no right, and would not vouchſafe to ſeeke vnto the ſaid Church for them, or offer any good offers vnto them as the ſaide I. D. for to ſerue his owne turne vntrulie ſuggeſteth, for this repliant ſaith, that his meaning was and is to ſeeke vnto the Church for them at ſuch time as in lawe, reaſon and conſcience it ſhall be thought meete, reaſonable, or requiſite for him ſo to do: And hath and will offer vnto them all good offers meete and appertayning for hym. In regard of all which, and in reſpect the ſaide I. D. obteyned the ſaide Leaſe at the ſaide Deane and Chapter their hands vpon vntrue ſuggeſtions and informations which this repliant well hopeth they will at all times aſwell in their reioinders as otherwiſe at large declare and acknowledge, and in deceipt and abuſe of the ſaid Deane and Chapter, who woulde not in their graue wiſdomes and good conſiderations haue ſought by any quirks and quillets in lawe in nicitie of penning the formalitie of wordes, to haue ripped and rifled into a long ſetled continuing poſſeſſion of their auncient Farmor, but woulde grauelie, diſcretely and aduiſedlie haue giuen faith, credite and allowance of the doings of their predeceſſors, as they moſt reaſonably and

deseruedly may expect the like allowance of their owne doings by them that shall succeede them, that therefore the sayde fraudulent, subtill, and guilefull lease by such deceipt, abuse, and vntruth obteyned, may by this honorable Court be decreed to be void against the saide Deane and Chapter and this repliant: and that the same may be ordred to be redeliuered vnto the said Deane and Chapter, or into this Court to be cancelled, to the end they may thereupon take such good course therein, as this complaynant doubteth not that if this complaynant had knowne of this vntrue information made by the saide I. D. vnto them, and had made knowne the truth thereof vnto the saide Deane and Chapter, before the graunting of the saide Lease vnto the sayde I. D. the sayde Deane and Chapter no doubt would haue done, without that that any other matter or thing in the saide aunswere materiall or effectuall to be replied vnto, and not hereby sufficiently replied vnto, confessed, and auoided, trauersed, or denied, is true: All which matters this repliant is readie to auerre and proue, as this honorable Court shall award. And vpon all the saide matters in the said Aunswere conteyned, this repliant prayeth as he before in his said bill hath prayed.

The Reioinder of I. D. Esquier to the Bill of complaint of T. B. Esquier complaynant.

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The said defendant sauing vnto him the aduantage of exception to the incertaintie and insufficiencie of the said Replication, and by protestation not confessing any thing in the same to be true, in such sort, manner and forme, as in the same is set forth and declared, for reioinder thereunto saith in all and euerie thing and things, as he before in his said Aunswere hath said. And further doth and will auerre, verifie, maintayne, and proue all and euery thing, matter, and cause therein conteyned to be good, iust, and true, in such sort, manner, and forme, as by the saide defendant in his saide Aunswere the same be very trulie expressed, declared, and set forth. And whereas the sayde complaynant by hys replication alledgeth, that the Deane and Chapter shoulde saye, that they meant not to impeach the lease made to the complaynants father: And that it was not fitting for men of theyr cote and qualitie to stand vpon quirks and quillets in Lawe. This defendant thereunto sayth, that there was no speech of quirks or quillets betweene them, but a true and playne meaning, that if the Lease whereby the complaynant claymed were not good in Lawe, that then this defendant shoulde haue a Lease of those things hee desired, which with his great costs and trauaile hee obteyned, accordingly. A

accordingly. And for further reioinder thereunto this defendant ſaith, that ſithence the making of the ſaide Leaſe to him in the ſaide bill of complaint mentioned, hee this defendant brought letters to the Deane and Chapter from one of her Maieſties moſt honorable priuie Counſell, to intreate the ſaid Deane and Chapter not onely to renew the ſaid Leaſe mentioned in the ſaid bill of complaint, and made to the ſaid defendant, but alſo moſt hartely deſiring them by the ſame letters to graunt vnto this defendant other tithes parcell of the ſame poſſeſſions formerlie demiſed to the ſaid defendant, at which time the ſaid Deane and Chapter, renewed the ſaid Leaſe, and alſo graunted the ſaid defendant certaine other tithes parcell of the ſame poſſeſſions according to the ſaid letters, and alſo at the ſame time the ſaid Deane and Chapter promiſed vnto the ſaide defendant a Leaſe of the reſt of the ſaid parſonage, ſo that as the ſaide defendant taketh it the ſaide complaynant greatly abuſeth this honorable court with moſt vaine and vntrue ſurmiſes both in his ſaid bill and Replication. And if this honorable court vpon theſe ſurmiſes or ſuch like ſhould grow to the vpholding of leaſes made from corporations which are void in lawe, a thing which heretofore hath not bene graunted vnto others in ſuch like caſes it would reuiue or at leaſt might be a preſident to reuiue many queſtions about ſuch leaſes which by the common lawes of this Realme long time haue beene determined, whereunto this defendant moſt humblie prayes to be remitted. And whereas alſo the ſaide complainant alledged that the purpoſe of the Deane and Chapter in deliuering of the ſaid Tranſcript to the ſaid defendant was, that he might thereby knowe what was demiſed or intended to be demiſed to the ſaid complaynants father, and to that end that the ſaide complaynant might not meddle with any thing comprized in the ſaid leaſe made to the complaynants father, to which allegation this defendant for reioinder ſaith, that he tooke it to the end that he might conſider of the validitie or inualiditie of the ſaide leaſe, vpon the view whereof being aſſertained by his learned Counſell that the ſaide leaſe was void in lawe, he was the rather incouraged to beſtow his charge vpon it. And this defendant ſaith, that he had a copie of the ſaid leaſe vnder the handwriting of a Gent of good calling before the deliuerie of the ſaide tranſcript to this defend, by which copie the imperfections of the ſaid leaſe did apeare to this defendant, and alſo the perticular names of the tithes of ſome townes were mentioned in the ſaid copie to be demiſed to the ſaide complaynants father, the tythes of which townes were afterwards demiſed to the ſaide defendant by the ſaid Deane and Chapter, whereby it may plainely appeare, that the Deane and Chapter meant that the ſame leaſe made to the ſaide complaynants father, if the ſame were not good in lawe, might be impea-

ched, forasmuch as they graunted to the saide defendants the tithes of such townes as were mentioned to be demised by the saide lease to the complainants father, so that the Deane and Chapter were not misled nor circumuented by the said defend, nor that the said defend obteined his lease by sleights & subtilties, nor the said Deane & Chapter misaduised in that they did as in the saide Replication is most vntruly alledged: but this defend verely thinketh that this compl goeth about not only to defraud the said defend of his Accion, & to hinder the said Deane & Chapter in taking the benefite of the said Tithes, but also it appeareth most manifestly, that the plaintife practizeth to trice the said defendant in a triall by a Jurie by vntrue witnesses in concealing the true Lease made to the plaintifes father: for the plaintife entituleth himselfe vntrulie to the parsonage aforesaide by a Lease made by the saide Deane & Chapter to the plaintifes father, as by an order taken in this Court the 6. of November last past apeareth, and also by his plea in the Exchequer it apeareth that the plaintife pleaded a lease made by ꝑ said Deane & Chapter to the plaintifes father of the said parsonage, & proffered by his plea in that court to shew forth the said lease in Easter terme last past. And after all these delatorie delayes the sayd compl pleaded not guiltie in the Exchequer aforesaid, & neuer shewed any such lease, but exhibited his bill of complaint in this honorable Court, surmising the saide lease to be come to the hands of the defendant, where in troth there is not nor euer was any such Lease made to the said plaintife, nor to R. B. the plaintifes father, but such a Lease as in the defendants aunswere is declared, which Lease being void, & of no validitie in lawe, is the cause of the plaintifes suite in this honorable Court, and also the cause of his long delay in the Exchequer aforesaid: for if the plaintifes father had euer any such Lease as the plaintife pretendeth, he needeth not to vse such vaine & vntrue surmises in this Court against the saide defend in his bill & replication, nor craue an Iniunction in this Court to stay the defend proceedings at the Common lawe, nor make secret conueyances to seuerall persons of the tithes in question, nor cause the said tithes to be gathered & carried away by strong and by vnknowne persons, nor protest and auow that the defendant, nor any other for him, shall euer quietly enioy the tithes in question, though he recouered them by all the Lawes in England, nor threaten this defendant and his seruants to wound or kill them before the defend should enioy any part of the said tithes, so that the said defend shal hardly maintaine any Accion against the true owner or taker of the saide tithes for the causes aforesaid, nor quietly enioy the same being recouered by order of lawe, considering that the plaintife is a Gentleman of great worship, friends and calling in that Countrie where the saide Tithes do arise and growe,

wherefore

wherefore and for that the plaintifes Leaſe is a meere void Leaſe for the cauſes in the Aunſwere alledged, and the defendants Leaſe a good Leaſe, and more beneficiall for the poore Schollers of Chriſts Church then the plaintifes Leaſe, and no reaſon in lawe or equitie if there be no lawfull Leaſe in being thereof why the ſame ſhould not be graunted vnto the defendant. For all which cauſes this defend humblie craueth that ỹ plaintife may ſhew forth vnto this court vnder the chapter ſeale ſuch a Leaſe as by his ſaide bill and order in this Court he pretendeth: And if the plaintife faile therein then vpō the now defendants ſhewing to this Court a tranſcript of the Counterpane of a Leaſe for yeares vnder the ſeale of the Deane & Chapter. Whereby it may apeare to this honorable Court, that the Deane and Chapter did not demiſe the ſaide parſonage to the plaintifes father as he affirmeth, but that the Deane with the full aſſent & conſent of the whole Chapter did demiſe the ſame to the plaintifes father in the time of King Edward the 6. which is no Leaſe of any force in lawe, neither is there any equitie to make it better, but being obteined at the firſt for ſmall or no conſideration, and long enioyed ſince, and now demiſed to the defendant for chargeable great and iuſt conſiderations, that then vpon ſight thereof it would pleaſe this honorable Court to order that the ſaid tithes may be ſequeſtred into the hands of indifferent perſons to reteyne and keepe them vntill further order ſhalbe taken in this Court: And that in the meane time a Commiſſion may be graunted out of this Court to examine the true valew of the ſaide tithes theſe three yeares paſt, to the end further order may be taken in this Court for the hauing thereof, and quiet enioying of the ſaide tithes to him that ſhall recouer the ſame or damages for any part thereof by Accion of Treſpas or otherwiſe: And that your Lordſhip would alſo be pleaſed to take order for reformation in the premiſſes, for that now in this time of contention many tithes are ſubtracted and not ſet forth at all. And without that that any other matter or thing &c. All which matters &c.

The reioinder of W. I. Doctor of Diuinitie Deane of the cathedrall Church of Chriſt in Oxford of King Henry the 8. foundation, R. P. A. W. T. T. to the replication of T. B. Eſquier complainant.

A The aduantage of exception in and to the incertaintie and inſufficiencie of the ſaide replication to theſe defendants and euery of them at all times hereafter ſaued, the ſaid defendants & euery of them for reioinder in all things ſay as they before in their ſaid anſwere haue ſaide and do, and will auerre, maintaine and proue their ſaide anſwere and euery thing therein conteyned to be iuſt and true in manner Sect. 168.

and forme as they be there declared and set fooreth, and that the saide Deane and Chapter do not know of any such lawfull demise made to the saide T. B. as in the saide Bill and Replication is set fooreth, and that if any such lawfull demise or graunt hath beene made, they haue made such prouision as in their Aunswere is declared, that no tenants which hold by any lawfull interest should be impeached by their lease made to the said I. D. whereof these defendants had speciall care, and therefore the complaynant if it stand so with him that he haue a lawfull lease can receiue no preiudice by any thing done by these defendants. And for further reioinder these defendants say, that vpon the suit of the said I. D. greatly pressed by sundrie honorable personages in his behalfe and aduertisement, that no lawfull state was in being of the premisses, nor such profits aunswered to the Church therefore as appertained with offer on the behalfe of the saide I. D. to performe many things profitable to their Church, & the defendants not hearing any suit or motion made therefore by the said T. B. and esteeming the premisses to be out of any lawfull lease and so enformed (which if it proove not true, their graunt is not auaileable) condiscended to the suit, and entreatie made on the behalfe of the said I. D. as in lawe, conscience, equitie, and good husbandrie towards their Church, which by all good, due, and conscionable meanes they are bound to aduance, they were perswaded it was fit for them to do: And the rather, for that the complainant did not make any meanes, nor seeke vnto them for it, who if he haue any lawfull lease of the things demised to the said I. D. from their Church, then cannot the graunt made to the said I. D. be of any force or auaile, and if he haue not a lawfull lease, then cannot the plaintife defend himselfe of ouer great slacknes to hold it so long without a lawfull lease, and in all that time not to discouer the same to their church, intending by likelyhood either so to haue retayned it still, or distrusting of their well meaning towards him, as to other their tenants whome their manner is not to dispossesse or otherwise to intreate then their demeanors do occasion. And if the things demised be in charge, or aunswered in reuenue to the College as the plaintife doth alledge, whether it be particularlie for those things demised to the said I. D. or confusedly included with other things, or held as an estate at will, these defendants are not assertained, and if the plaintife did hold them without any lawfull estate made vnto him, or lawfull estate continuing, it had beene meete that the defendants or their predecessors had beene made acquainted of this manner of holding of them, and that the possessions and reuenews should not be caried away vnder hand, or enioyed by coulour of a lease, when there was no lawfull lease to warrant it: And had the complaynants then beene so readie to further the defendants

vants in their right and poſſeſſion to the beſt of his indeuour as now he pretendeth to be, this queſtion has not hapned, but now ſtanding as it doth, if the information of the ſaide I. D. made to the ſaide Deane and Chapter be not grounded vpon any matter of truth, the ſaid complaynant ſhall receiue no impeachment by it, theſe defendants intending to hold the ſaid I. D. to his Couent, that by coulour of his graunt he ſhall not call in queſtion any tenant of theirs which hold by any lawfull intereſt. And if it be grounded vpon matter of truth, theſe defendants hope that this honorable court will not giue further allowance to the complaynants pretended leaſe then the validitie thereof requireth: Humblie praying further that if vpon this interpleading betweene the ſaid T. B. and the ſaid I. D. it ſhall appeare that the ſaid T. B. holdeth that which he ſhould not hold, or the ſaid I. D. vpon any vndue ſurmiſe or ſuggeſtion to haue obtayned any thing not fit or not meant to be paſſed to him, which theſe defendants carrying themſelues in a plaine and euen courſe, haue not ſo farre looked into, neither do or can charge him ſo to haue dealt: That theſe defendants might not be preiudiced againſt either of them, but left at libertie to do that for the iuſt and reaſonable benefit and auaile of their Church, which in lawe, iuſtice, and equitie, ſhall be ſeeming for them to do. And further, or more then this the defendants deſire nothing, without that that the complaynant hath to their knowledge any lawfull eſtate or intereſt in the premiſſes, or hath ſought or offred himſelfe vnto their church in ſuch ſort as hee alledgeth. And without that that the defendants by any quirks, quillets, or nicities in lawe haue ſought to riffle into the eſtates of their Farmers: And yet humblie deſire, that if the complaynants enioy any thing without good leaſe which is vnknowne to theſe defendants, that he may not be ſet in better ſtate againſt their church then his eſtate requireth, but may be referred to their church, of whoſe dealings he ſheweth, neither can ſhewe any cauſe to complayne, without that that any other matter or thing &c. All which matters &c.

A bill by one tenant in common of a mannor in the North parts, to haue a commiſſion to examine witneſſes which be aged and impotent, that their teſtimonies may remayne of record in perpetuam rei memoriam, for proofe of the plaintifes title to the ſaid mannor, for that the Lord Preſident and Counſell of the North parts haue not power to graunt any ſuch commiſſion.

To the Right Honorable Sir Tho. Bromley Knight,
Lord Chauncellor of England.

A HVmbly complayning, ſheweth vnto your good Lordſhip your daily Orator T. P. of T. in the Countie of C. Eſquier: That Sect. 169.

whereas

whereas your saide Orator and one L. P. of C. in the County of C. be and stand, or ought to be and stand seazed in common in their demesne as of fee amongst other things of and in the Mannor of L. with the appurtenances in the saide County of C. concerning the partition of which said mannor, variance, and contention in lawe is like to arise betweene your Orator and the saide L. at the common lawe. And for as much as there be yet liuing diuers aged persons inhabiting about the saide Mannor which do very well knowe the interest and title of your saide Orator in and to the said mannor in forme aforesaid. And for that if the saide witnesses being very aged and impotent and not likely long to liue should fortune to dye before tryall of your saide Orators estate and title of, in, & vnto the premisses, it might thereby be greatly blemished, and your said Orator in time to come disinherited of his said moytie of the saide mannor. And for that the saide witnesses dwelling in the North parts of this Realme be so aged that they be not able to trauaile neyther before your Honor to be examined in her Maiesties high Court of Chauncerie, nor to any other ordinarie place of Justice, where the title of your saide Orator might, or may conueniently come in question and tryall by the due course of the common lawes of this Realme. And for that the Lord President and Counsell established in the North parts (within the precinct of whose Commission not onely the said Mannor but also your said Orator, and the said L. P. do inhabit and dwell) do not vsually, nor cannot graunt any Commission for the examination of witnesses *in perpetuam rei memoriam*, although there be great cause in equitie to graunt the same. It may therefore please your good Lordship, the premisses considered, to graunt vnto your said Orator the Queenes Maiesties most gratious Commission vnder the seale of this most honorable Court, to be directed vnto some Gentlemen of credit dwelling in those partes, as to your good Lordship shall be thought conuenient for the examination of such witnesses, as by your saide Orator shall be produced before them, and to certifie and returne the examinations of the saide witnesses, together with the same Commission before your good Lordship into her Maiesties high Court of Chauncerie, there to remayne of record *ad perpetuam rei memoriam*, and to be published at such time as to your good Lordship shall be thought meete and conuenient. And further to graunt vnto your saide Orator the Queenes Maiesties most gratious writ of Subpena, to be directed to the saide L. P. commaunding him thereby at a certaine day, and vnder a certaine paine therein by your Lordship to be limited, either to ioyne in Commission with your saide Orator for the examination of the saide witnesses, or else to shewe cause before your good Lordship why your saide Orator should

not

not haue a Commiſſion alone for that purpoſe, and your ſaide Orator ſhall according to his bounden dutie dayly pray to Almightie God for the long preſeruation of your Lordſhips good health, with increaſe of honor.

A bill of Complaint for detayning of the plaintifes Euidences, for entring into Mannors and Lands, and contriuing of ſecret eſtates.

To the Right Reuerend Father in God Stephen Biſhop of Wincheſter, Lord Chauncellor of England.

A IN moſt humble wiſe complayning, ſheweth vnto your honorable good Lordſhip your daylie Orator T. M. Gentleman. That whereas one P. M. elder brother to your ſaid Orator was lawfully ſeaſed in his demeſne as of fee, of, and in the Mannors of M. & W. with diuers meſſuages, lands, tenements, & hereditaments to the ſaid Mannors belonging in the County of C. to the yearely value of 50. l. and aboue, and he being of the ſaid Mannors and other the premiſſes ſeiſed died of ſuch an eſtate thereof ſeiſed, without iſſue of his body lawfully begotten. After whoſe deceaſe the premiſſes deſcended and of right ought to diſcend vnto your ſaide Orator as brother and next heire of the ſaide Peter your ſaide Orator, then being but of tender age, that is to ſay, of the age of twelue yeares or there abouts. But ſo it is right honorable Lord, that all the Euidences, Deedes, Charters, writings, and miniments concerning the ſaid mannors and premiſſes during the minoritie of your ſaid Orator, came caſually to the hands & poſſeſſion of R. D. Eſquier, who by cullor of hauing of the ſaid Euidences, Deedes, Charters, writings and miniments hath wrongfully entred into the ſaide manors, lands, tenements, and other the premiſſes, and of the ſame hath made and contriued diuers and ſundrie ſecret and falſe eſtates and conueyances to diuers perſons to your ſaide Orator vnknowne, to his owne vſe, to the vtter diſheriſon of your ſaide Orator. And albeit your ſaide Orator hath diuers and ſundrie times required the ſaide R. D. as well to deliuer vnto him the ſaid Euidences, Deedes, Charters, writings, and miniments, as alſo peaceablie and quietly to ſuffer and permit him to enioy ẏ ſaid manors, lands, & tenements, with their appurtenances, yet ẏ ſaid R. D. hath alwaies hitherto denied & refuſed, & yet denieth & refuſeth ſo to do, cõtrary to all right, equitie, & good conſcience: And foraſmuch as your Orator knoweth not the certaintie of the ſaid euidences, deeds, charters, writings, & miniments, nor whether they be contained in bag or box enſealed, or cheſt locked yea or no, he is like to be without all remedy for ẏ recouery of ẏ ſame by the order & due courſe of ẏ cõmon lawe, except your Lo. goodnes be vnto him ſhewed in this behalf. In cõſideration wherof it may pleaſe your good L. to grant

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vnto

vnto your Orator the King and Queenes Maieſties writ of Subpena to be directed to the ſaide R. D. Commaunding him by the ſame at a certaine day, and vnder a certaine paine by your Lordſhip to be limited, perſonally to appeare before your good Lordſhip in the King and Qu. high Court of Chauncery at Weſtminſter, then and there to make aunſwere to the premiſſes &c.

R. Cat.

The Aunſwere of the defendant to the ſaid Bill, wherein is confeſſed the hauing of diuers euidences concerning the lands mentioned in the ſaid Bill, and that he is readie to deliuer them to whom the Court ſhall order them to belong: And for that the plaintifes father is yet liuing, the defendant prayeth that he may be called into the Court to ſhew what title he hath to the ſaid euidences, and diſclaymeth to haue any intereſt in any of the manners &c. mentioned in the Bill, but an Intereſt he may be entituled to haue by reaſon of a Statute merchant he hath which was acknowledged by the complaynants father.

The Aunſwere of R. D. Eſquier to the Bill of complaynt of T. M. Gentleman.

Sect'. 171. THe ſaid defendant by protеſtation not confeſſing or acknowledging any ſuch ſeiſin, dying ſeiſed, or diſcent as in the ſaid Bill is alleaged for aunſwere, ſayth, that he is not, nor at the time of the exhibiting of the ſaid Bill was not Tenant of the ſaid mannors, and other the premiſſes mentioned in the ſaid bill, nor claymeth to haue any thing in the premiſſes, ſauing only ſuch benefit, intereſt, and title as the ſaid R. is or may be entituled to haue in or to the premiſſes, by reaſon of a certaine Statute merchant, or Recognizance knowledged by W. M. Eſquier, father of the ſaid complaynant to Sir P. D. Knight, deceaſed. Thaduantage of exception thereof, and all other benefits and intereſts that the ſaid defendant hath or may haue by reaſon of the ſaid Statute merchant or Recognizance knowledged by the ſaide W. M. Eſquier, father of the ſaid complaynant as aforeſaid, and the execution to be ſued of the ſame to the ſaid defendant alwayes ſaued and reſerued, the ſaide defendant for all other Intereſts or Titles diſclaimeth in the ſaid manors, lands, or tenements. And as to any euidences concerning the ſaid manors, lands, and tenements mentioned in the ſaid Bill, except one Indenture, and one other writing made by the ſaide W. M. and one writing made by the ſaid complaynant: The ſaid defendant by protеſtation not knowing the certaintie what euidences he hath in his cuſtodie concerning the ſaid mannors and other the premiſſes, for that they be in the County of Cheſter, now farre from the ſaid defendant, for aunſwere

ſwere ſaith, that the ſaide W. M. father to the ſaid complaynant long time paſt was ſeiſed of the ſaid Mannors, lands, and Tenements of an eſtate of inheritance in poſſeſſion or in vſe by diſcent from his Auncestors, and the ſaid Euidences came to the hands of the ſaid Sir P. D. Knight long time paſt, and by and after the death of the ſaid Sir P. D. the ſame euidences came to the poſſeſſion of the ſaid defendant, which ſaid defendant deſireth that the ſaide W. M. which is yet in full life may be called into this honorable Court to ſhewe what title he hath or clayme th to the ſaide euidences, and the ſaide defendant is and ſhall be readie to deliuer ſuch euidences as he hath concerning the premiſſes, except the ſaid Statute merchant, and other writings and defeaſances of the ſaid Statute as appertaineth to the ſaid defendant to ſuch perſon or perſons to whome this honorable Court ſhall award the ſame to appertayne: And as to the three writings before excepted, the ſaid defendant hath them here readie in this honorable Court, to be deliuered to whome this honorable Court ſhall adiudge the ſame to appertayne, Without that that the ſaide defendant hath wrongfully entered into the ſaid Mannors, lands, and Tenements, and of the ſame hath made or contriued any eſtates and conueyances to diuers perſons in ſuch ſort as in the ſaid Bill is vntruly alleaged: And without that that any other thing materiall to be aunſwered vnto, other then that in this preſent Aunſwere is confeſſed and auoyded is true: All which matters the ſaid defendant is ready to auerre and prooue as this honorable Court ſhall award, and prayeth as before he hath deſired: And alſo that he may be diſmiſſed out of this honorable Court with his reaſonable coſts and charges for his wrongfull vexations ſuſtained in this behalfe.

Am. Gilbert.

A bill of complaint by I. W. and the Lady Iane his Wife, daughter and heire of the Lady Iane deceaſed againſt the husband and his wife, for entring into a houſe, and lands, and keeping of the poſſeſſion thereof, for detayning of Euidences, and contriuing of ſecret eſtates in the premiſſes.

To the right reuerend Father in God Stephen Biſhop of Winchester, Lo. Chauncellor of England.

A IN right humble wiſe complayning, ſheweth vnto your good Lordſhip your Suppliants I. W. and the Lady Jane his Wife, daughter and heire to the Lady Jane P. deceaſed. That whereas the ſaid Lady Jane P. in her life time was lawfully ſeaſed in her demeſne as of fee, of and in one meſuage or houſe, with a gardeine thereunto belonging, ſet, lying, and being in B. in the Countie of D. and of and in 12. acres of errable land, medow, and paſture, with their appurtenances thereunto belonging Sect. 172.

belonging in B. aforesaid, and so being of such an estate thereof seised about foure yeares past died thereof seised. After and by whose death the premisses discended and came as of right they ought to discend and come vnto your sayde Oratrix, as daughter and heire of the saide Lady Ja. P. her mother. So it is if it may please your good Lordship, that diuers Deeds, Euidences, Charters, Mimments, and writings concerning onlie the premisses and of right belonging to your said Oratrix as in the right of the said Lady Ja. P. by casuall meanes are come to the hands, possession and custodie of I. C. Gentleman, and E. his Wife, who by culloz of hauing the sayde Euidences and writings, haue entred into the premisses, and by cullour thereof haue contriued, conueyed, and made to themselues diuers secret estates of the premisses, and thereby do likewise detaine and keepe the possession of the same premisses from your said Orators, albeit they haue beene diuers and sundrie times thereunto by your suppliants required foz the deliuerie of the same, yet that to do they haue alwayes hitherunto denyed, and yet do denye to the manifest disinheriting of the saide A. and the great wrong and losse of both your saide Orators, foz that your saide Orators do not knowe the certeine number, oz certaine dates of the deedes and conueyances, noz whether they be contayned in bagge oz boxe sealed, oz chest locked, whereby they be foz the recouerie of the same premisses cleane without remedie by the strict course of the common lawes of this Realme. In consideration whereof the premisses by your good Lordship tenderly considered, it may please your good Lordship to graunt vnto your said Orators the Qu. Maiesties most gratious writ of Subpena to be directed to the said I. C. and E. his wife, commaunding them and eyther of them thereby personallie to appeare before your good Lordship in the Queenes Maiesties high Court of Chauncerie at a certaine day, and vnder a certaine paine therein by your good Lordship to be limitted and appointed, then and there to answere to the premisses, and further, to stand to and abide such finall order and direction therein as to your Ho. good Lo. with right and equitie shall seeme most meete and conuenient. And your said Orators shall pray foz &c.

A bill by the leassee for yeares of the Scite of a Mannor &c. containing the detayning of the plaintifes lease of the premisses, the breaking of the seales thereof, and that the defendants by a practise amongst them, to the intent to impouerish the plaintife, and vniustlie to get from him the premisses, haue brought an Assise in the towne of Salop against him for the same, in which suit there is a partial Iurie returned by the Bayliffes of the said towne. And one other suit comenced against him for part of

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the premiſſes by one of the defendãts before the Counſell in the marches of Wales, and therefore prayeth an Iniunction for ſtay of the ſaid ſuits: and alſo a Subpena againſt the defendants to appeare and aunſwere the bill.

To the Right Ho. Sir Nicholas Bacon Knight, Lord Keeper of the great ſeale of England.

A IN moſt humble wiſe complayning, ſheweth vnto your Ho. good Lo. your pooze & dayly Dzatoz H.D. of A. in ỹ Countie of Salop Gent. That whereas one Jo. late Duke of Nozthumberland in his life time amongſt diuers other lands, tenements, & hereditaments was lawfully ſeiſed in his demeſne as of fee, of & in ỹ manoz of A. lying & being within the ſaid County of S. and ſo being thereof ſeiſed by his deede indented about the 27. yeare of the Raigne of the late King of famous memozie King Henry the 8. by the name of Sir Jo. D. Knight, did demiſe, graunt, ſet, and to farme let vnto P.C. the Scite of the Manoz of A. afozeſaid, together with the manſion oz hall place of the ſame: And all and ſinguler lands, meadowes, leaſowes, paſtures, feedings, woods, waters, and commons, with all other commodities, duties, ſeruices, and cuſtomes to the ſaid Scyte of the ſaid Mannoz belonging oz in any wiſe appertayning: To haue and to hould the afozeſaid Scyte of the ſaide Mannoz, and all other the pzemiſſes, and all and ſinguler the appurtenaunces to the ſaid P.C. his executozs and aſſignes from the feaſt of Saint Michaell the Archangell then next comming after the date of the afozeſaide Indentures vnto the end and tearme of threeſcoze yeares then nert enſuing, and fullie to be compleated and ended, yeelding and paying therefoze yearely vnto the ſaide Sir John Dudley his heires and aſſignes foure pound ſterling at the feaſt of the Annunciation of our Lady, and Saint Michaell the Archangell by euen pozcions, with diuers other couenaunts, graunts, and agreaments contayned and ſpecified in the ſaide Indentures, as by the ſame moze at large it doth and may appeare: By foze whereof the ſaid P.C. into the pzemiſſes entered, and was poſſeſſed accozdinglie: The ſtate and intereſt of which ſaide P.C. to and in the pzemiſſes, and euery part and parcell thereof, your pooze Dzatoz by iuſt and lawfull conueyance and aſſurance in lawe of long time hath had and now hath, and the ſame hath quietlie and continuallie poſſeſſed and enioyed foz and by the ſpace of foureteene yeares nowe laſt paſſed by foze of the ſayde Leaſe made to the ſayde P.C. by the afozeſayde Duke, without lette oz interruption of anye perſon oz perſons, vntill nowe of late that the afozeſayde Leaſe is caſuallie come to the hands & poſſeſſion of Ed. Le. of P. in the County of S. Eſquier, which perſons malitiouſly

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malitiously intending your poore Orators impouerishment and vtter vndoing, haue not only wilfully broken in pieces and disseuered from the said Lease the seales of Armes of the saide late Duke annexed by him to the aforesaid lease, and otherwise defaced the same, to the intent your said Orator although he should recouer against them by due order and course of the lawes of this Realme the aforesaid lease, yet he might be the lesse able to proue the saide Lease to be made by the aforesaid Duke, for that they well perceiue the time now so farre spent, that very fewe or none of the witnesses that were present at thensealing and deliuerie of the said Lease be now liuing as they suppose: But also they haue further conspired and agreed amongst themselues, together with one R. W. of A. in the Countie of Salop, and R. S. of the towne of Salop and Countie aforesaid. That he the said R. W. in the name of the said Ed. Le. at the only costs and charges of the said R. W. should arraigne an Assise of Nouel Disseisine against your said Orator in the Towne court of Salop, for that the aforesaid Scyte of the mannor of Acton Renard and other the premisses are scituate and lying within the iurisdiction of the said Towne court of Salop, supposing thereby your saide Orator to haue disseised the saide Ed. Le. of his Freehold in Acton Renard aforesaid, intending thereby through his sinister dealing and practising by indirect meanes with the Bayliffes of the saide Towne, which haue returned a pannell of such Iurors as he the saide Ed. Le. and other of his friends, kinred, and allyance, might rather through friendship and fauour then by reason of any good matter, win and allure to find and giue verdict for the said Ed. Le. rather then for your said Orator, although his interest and right to and in the premisses be very good & rightfull as in very deede it is: But also the aforesaid Ed. L. together with others the persons aboue named, haue, for your poore Orators further trouble, veration, and expences, conspired and agreed amongst themselues together with the aforenamed R. D. that he the said R. D. should exhibit his Bill of complaint against your said Orator before the Queenes Maiesties Councell in the marches of Wales, pretending thereby title and interest to part of the saide land, by vertue of a supposed lease for yeares made to one R. D. Clerke, by one A. N. Esquier, where in very deede there was neuer any such lease thereof to him made by the said A. N. so that the said R. S. hath not by reason of any such lease, or otherwise any iust cause of suit against your saide Orator: which vngodly inuention and diuelish deuises of theirs they of late put in vre, and practised against your saide Orator, intending thereby through the suit had and prosecuted by the saide R. W. in the name of the saide Ed. Le. aforesaid against your saide Orator in the Towne court of Salop aforesaid, where the saide Ed. Le. is greatly

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friended of kinne and allyaunce, And alſo through the aforeſayde ſuite commenced before the Queenes Maieſties Councell by the ſayde R. D. againſt your ſayde Oratour, where the ſayde Ed. Le. is alſo greatlie friended and acquainted, and readie at all aſſayes as much as in him lyeth, to ſuccour and further the ſayde R. D. in his ſayde ſuite againſt your ſayde Oratour in the Courtes aforeſaide, where the ſaide Ed. Le. and R. D. are verie well friended and allyed as aforeſayde, and your ſayde Oratour a meere ſtraunger and of the Countie of Cheſter borne a poore ſeruingman there altogether vnfriended, and not acquainted, intending by their ſayde ſuites ſo to trouble and vexe your ſayde Oratour, and to put him to ſuch intollerable charges and expences in defending his right againſt them, that your poore Oratour either for lacke of ſubſtance and wealth ſhould not be able to beare the charge of the ſayde ſuits in lawe againſt them, but eyther be compelled of meere neceſſitie to yeeld and giue vp his intereſt in the premiſſes vnto them, or elſe to trouble and moleſt your ſayde Oratour in the ſayde Courts, that eyther for want of wealth, or leyſure, your ſayde Oratour ſhould not be able to complaine againſt them before your Honor, or elſewhere to ſeeke forredreſſe to be had therein by due meanes, and order of the lawes of this Realme. In tender conſideration whereof, and for as much as your ſayde Oratour knoweth not the certayne date of the aforeſayde Leaſe, nor yet the number of yeares therein contayned, by reaſon whereof your ſayde Oratour by meanes thereof is without all remedye by the due courſe and order of the Common lawes of this Realme. May it therefore pleaſe your good Lordſhip the premiſſes conſidered, not onelie to graunt the Queenes Maieſties writ of Iniunction to be directed to the ſayde Ed. L. R. W. and R. D. and to euery of them, and to all theyr Counſellors, Attourneys, and Solicitors, and to the Counſellor, Attourneys, and Sollicitors of euery of them, commaunding them and euery of them thereby no further to proſecute, or proceede in the ſaide ſuits or eyther of them, againſt your ſayd Oratour before the Queenes Maieſties Counſell in the Marches of Wales, nor before the Bayliffes of the ſaid towne of S. vntill ſuch further order therein be taken by your good Lordſhip as ſhall ſeeme to ſtand with conſcience and equitie, but alſo to graunt the Queenes Maieſties moſt gratious writ of Subpena to be directed vnto the ſaid Ed. L. R. D. &c. and to euery of them, commaunding them and euery of them thereby vnder a certayne payne therein to be limited perſonallie to appeare before your good Lordſhip in the Qu. Maieſties high Court of Chauncerie at a certaine day therein to be contained, then and there to aunſwere to the premiſſes &c. And your

poore Orator shall dayly pray vnto God for the preseruation of your honorable estate long to continue.

A bill containing that one being seazed in fee of an Inne in London, leased the same to one for yeares reseruing a rent, the which lease came by diuers meane conueyances to the plaintife, with couenaunt to make further assurances: and then they shewe that the originall Lease and the meane conueyances, with a deede of guift, are come to the hands of the defendants, by cullor whereof they haue entred into the possession of the Inne, and thereof haue dispossessed the plaintifes, and that they refuse to deliuer the lease, meane conueyances, and deede of guift, or to make any further conueyances to the plaintifes of the said Inne according to the said couenant, whereupon the plaintifes pray a Subpena, with a duces tecum against the defendants.

To the Right Ho. Sir Christopher Hatton of the most noble order of the garter, Knight, L. Chancellor of England.

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IN most humble wise complaining, shewen vnto your good Lo. your dayly Orators I.L. & N.Wo. Citizens & Clothworkers of the Citie of London, that whereas one A.B. Citizen and Fishmonger of London was lawfully seazed in his demesne as of fee, of and in one house or tenement, called the signe of the Lambe, with the shops, sellers, sollers, together with all & singuler the appurtenances, set, lying, & being in the parish of S. Michaell in Cornehill London, sometimes in the occupation of one I.S. Grocer, and the said A.B. so being of the said house or tenement & other the premisses of such an estate seised, about the month of September in the 36. yeare of the raigne of the late king of famous memory King Henry the 8. did by his deede in writing sufficient in the lawe, demise, graunt, & to farme let to one W.Lo. citizen & black smith of London the said house or tenement, & other the premisses, To haue & to hold to the said W.Lo. his executors & Assignes for the terme of diuers yeares yet enduring at & for a certeine yearely rent thereupon reserued. By force whereof the said W.Lo. into the said house or tenemēt & other the premisses entred, & was therof possessed acordingly. And the said W.Lo. so being thereof possessed by his deed indented sufficient in the lawe in or about the month of December in the said 36. yeare of the raigne of the said late King H. the 8. bargained, sold, & conueyed the said Indenture of lease so made vnto the said W.Lo. & all his title & terme of yeares then to come in the premisses to one T.H. Citizen & Draper of London his executors & assignes. By force wherof the said T.H. into the said house or tenement & other the premisses entred, & was thereof possessed, & the issues & profits therof receiued & tooke acordingly, and so being therof possessed died intestate, after whose decease, the administration of the said lease, & of all other the goods, cattels, & debts of the said T.H. were lawfully cōmitted to the hands, possession, & distribution of

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Joane the wife of the ſaid Thom. by force whereof the ſaid Joane into the premiſſes entred, & was thereof poſſeſſed, & ſo being thereof poſſeſſed maried & tooke to huſband one W. P. Citizen & Upholſter of London. By force of which intermariage, the ſaid W. P. into the premiſſes entered, & was thereof poſſeſſed, and receiued and tooke the iſſues & profits thereof accordingly, and ſo being thereof poſſeſſed, in or about the month of June, in the yeare of the raigne of our ſoueraigne Lady Queene Elizabeth that now is, by one writing or Pole deede ſufficient in the lawe, conueyed & aſſured the premiſſes and all his eſtate, right, title, intereſt, terme of yeares, claime & demaund, of, in, and to the ſame, to one W. P. Citizen & Draper of London, by force whereof the ſaid W. P. into the premiſſes entred, and was thereof poſſeſſed, and ſo being thereof poſſeſſed by his deede of gift ſufficient in the law, or by ſome other good & ſufficient conueyance & aſſurance in the lawe, the certaintie whereof for want of the ſame your Orators are not able to ſhew, did giue, grant, conuey, or aſſure the ſaid houſe & tenement, & other the premiſſes, & all other his goods & chattels whatſoeuer to one W. B. late of Stoke Albanye in the County of Northampton Gent deceaſed, & Barſaba *alias* Barbara his wife, by force whereof the ſaid W. B. and Barſaba *alias* Barbara into the premiſſes entred, & were thereof poſſeſſed, and ſo being thereof poſſeſſed, the ſaid W. B. in or about the month of Januarie, in the 17. yeare of the raigne of our ſoueraigne Lady Elizabeth the Qu. Maieſtie that now is, made & declared his laſt will & teſtament in writing, and thereof conſtituted & apointed the ſaid Barſaba *alias* Barbara his wife his executrix, and died of the premiſſes poſſeſſed. By and after whoſe deceaſe ỹ ſaid Barſaba *alias* Barbara, by right of ſuruiuor, & by vertue of the ſaid executorſhip, held her ſelfe in ỹ premiſſes, & was thereof ſolie poſſeſſed, & receiued & tooke the iſſues & profits thereof accordingly, & ſo being thereof poſſeſſed, maryed & tooke to huſband one Rob. Williams of Stoke Albanie in the ſaid County of Northampton Gent. By force whereof ỹ ſaid Rob. Williams & the ſaid Berſaba *alias* Barbara his wife or one of them were of the premiſſes lawfully poſſeſſed, and ſo being therof poſſeſſed, they the ſaid R. Williams & Berſaba *alias* Barbara or one of thē by their or one of their writing of aſſignemēt ſufficient in the lawe in or about the month of Febzuary, in the 28. yeare of the raigne of our ſoueraigne Lady Elizabeth the Queenes Maieſtie that now is for and in conſideration of a certaine competent ſumme of lawfull money of England to them or one of them in hand paid by one George Smith Citizen and Merchantaylor of London, did bargaine, ſell, aſſigne, and ſet ouer vnto the ſaid George Smith aſwell the aforeſaid houſe or tenement, the ſaid originall Indenture of leaſe, the ſaide deede of guift, and all other the meane conueyances aforeſaide, as all the eſtate, right, title, Intereſt, terme of yeares, vſe,

possession, reuercion, claime and demaund of the said Robert Williams and Bersaba *alias* Barbara, and either of them, or of any other person or persons to the vse and behooke of them or either of them. And did couenant, promise, conclude, & agree to & with the said George Smith his executors & assignes, that they the said Robert Williams, & Bersaba *alias* Barbara, & Elizabeth Nosier, wife of the said W. Y. & euery of them, and the executors and administrators of them & euery of them should and would at all times after the making of the said writing of Assignement to the said George Smith as aforesaid, and from time to time during the space of diuers yeares make such further conueyance of the said house, and all other the premisses to the said George Smith his executors or assignes as by them or any of them or their or any of their Counsell learned should be deuised. By vertue whereof the said George Smith into the said house and tenement and other the premisses entred, and was thereof possessed, and so being thereof possessed in or about the moneth of March in the 28. yeare of the raigne of our saide soueraigne Lady Elizabeth the Queenes Maiestie that now is by his writing of Assignement vnder his hand and seale did well and sufficiently giue, graunt, bargaine, sell, assigne, and set ouer the saide house or tenement and all other the premisses, and all his estate, right, title, interest, & demaund, of, in, and to the same, together with the said originall Indenture of Lease, & all other the meane assignemẽts thereof, & all other writings & euidences concerning the same vnto your Lo. said orators. By vertue whereof your orators into ỹ premisses entred, & were thereof possessed & the issues & proffits thereof receiued & tooke without interuption of any person or persons. But so it is if it may please your good Lo. that the said deede of gift made by the said W. Y. together with ỹ said originall Indenture of Lease & the meane assignements thereof are casuallie come to the hands, custodie & possession of the said Robert Williams, & Bersaba *alias* Barbara his wife, or one of thẽ, who by coulour of hauing thereof haue wrongfully entred into the premisses, & thereof dispossessed your said orators, & the possessiõ thereof together with ỹ said euidences & writings detaine & keepe frõ your said orators, & by meanes of hauing the writing of Assignemẽt made by the said R. W. and Bersaba *alias* Barbara his wife vnto the said George Smith in their owne hands & custodie, whereby they haue couenanted to make further assurance vnto the said George Smith his executors & assignes vtterly refuse to deliuer vnto your said orators the said euidences & writings, or to make them any further assurãce of the premisses, notwithstanding they haue beene sundry times thereunto gently required, but by practize and confederacie with other their complices, aduersaries of your sayde Orators, goe about to impeach, hinder,

and

and ouerthrow your Orators good and lawfull eſtate in and to the premiſſes contrarie to all right, equitie, and good conſcience, and to the manifeſt and expreſſe wrong and iniurie of your ſaid Orators. In conſideration whereof, and for that your Orators knowe not the certeine dates, number, nor contents of the ſaid Euidences and writings, nor wherein the ſame are conteyned, whether in bag or boxe ſealed or vnſealed, cheſt or cofer locked or vnlocked, and ſo conſequently without apt remedie at the common lawe for the recouerie thereof, or to compell the ſaide Robert Williams, Barbara his wife, and the Executors or Adminiſtrators of the ſaid Eliz. Moſier or any of them to make vnto your Orators further aſſurance of the premiſſes, or to keepe or defend their lawfull title thereunto. May it therefore pleaſe your good Lordſhip to graunt vnto your Orators her Maieſties moſt gratious writ of Subpena, with a *Duces tecum* to be directed to the ſaid Robert Williams and Berſaba *alias* Barbara his wife, commaunding them and either of them thereby at a certeine day and vnder a certeine paine by your Lordſhip to be limited to be, and perſonallie to appeare before your Lordſhip in her Maieſties moſt high Court of Chauncerie, and to bring with them the ſaid originall Indenture of leaſe, & the ſaid deede of gift, and all other the meane aſſignements thereof, Then and there aſwell to aunſwere to the premiſſes, as alſo to ſtand to and abide ſuch further order and direction therein as to your Lordſhip ſhalbe thought to ſtand with equitie and good conſcience, And your ſaide Orators according to their bounden dutie ſhall pray to God for your Lordſhips long life, with increaſe of much honour.

The ioint and ſeuerall aunſweres of R. W. and Berſaba his wife defendants to the bill of complaint of I. L. and N. M. complaynants.

A THe ſaid defendants by proteſtation not confeſſing the ſaid B. to be lawfully ſeiſed in his demeſne as of fee, of and in the ſaid houſe or tenement called the ſigne of the Lambe, with the ſhops, ſellers, ſollars, and other their appurtenances: Neither that the ſaide Brincton did graunt it to the ſaide W. L. for certeine yeares vpon a certeine rent in maner as the ſaid plaintifes haue alledged: neither that the ſaid L. was thereof poſſeſſed accordinglie, and ſo being poſſeſſed, did bargaine, ſell, and conuey the ſaid Indenture and all his title and terme vnto the ſaid T. H. and his Aſſignees, or that the ſaid H. was thereof poſſeſſed accordinglie, or that after his deceaſe the adminiſtration of all the goods and chattels were committed to Joane his wife, or that ſhe was poſſeſſed thereof by vertue of the ſaid adminiſtration, or after tooke to husband the ſaide Pinchbecke. But the ſaide defendants for aunſwere ſay, that they haue heard that the ſaide Pinchbecke was poſſeſſed of the ſaide Sect. 175.

house called the Lambe, but whether the saide Pinchbecke conueyed his estate to the said Moſier, or that the said Moſier was possessed thereof, or by his deede of gift did assure the premisses vnto the saide B. she knoweth not, but saith, that about 26. yeares sithence the said Moſier did giue all his goods and Chattels to the said B. and the said Bersaba one of the said defendāts, but she knoweth not whether the said B. was possessed of the said house, or died thereof possessed. And the said Bersaba saith, that the said B. apointed her his Executrix of his last will, but knoweth not whether the premisses came to her by suruiuorship or executorship or any other wayes, or whether she was possessed thereof by those or any other meanes. And the saide defendants further say, that it is more then they do certainelie knowe whether they or either of them were thereof in right possessed. And the saide Robert Williams saith that whether he assigned or set ouer his Interest or the Lease thereof in the said house and premisses vnto the said Smith he knoweth not, but to his remembrance he sealed and deliuered an obligation as he taketh it to the saide Smith, but vpon what condition he knoweth not, being three yeares past, and he altogether vnlearned, without that that the said Smith gaue the said Robert Williams for his interest of the saide house any money to his remembrance, neither do the saide defendants know whether the said Smith did bargaine & sell assigne or set ouer all his estate in & to the premisses, and the Indenture with other writings vnto the said complainants. Or that the said cōplainants did enter accordingly, or were possessed thereof, or tooke the profits thereof as it is alledged, without that that the originall Indenture of lease, or ỹ meane conueyances or assignements thereof are come to the possession of the said defendants. But the said Bersaba saith, that the said deede of gift made by the said William Moyſier was in her possession about 3. yeres now past, but what is become of it since she knoweth not: And without that that the saide defendants haue by coulour thereof vnlawfully entred into the possession of the premisses, or dispossessed the said complainants in such maner and forme as in and by their said bill of complaint is alledged. And without that &c.

A bill containing that the plaintife is seazed in fee of the mannor of O. and that one of the defendants is also seased of the mannor of C. in fee holden of the plaintifes manor by homage, fealtie, escuage, and rent, and that the same defendant hath assured parcell of his said mannor to the other of the said defendants in fee, and that the same is holden of his said mannor by the same seruices and part of the rent: and that diuers Euidences &c. are come to the hands of the defendants, and that the defendants intend to disherit the plaintife of the rent and seruices, and that they refuse to pay the plaintife the rent, or to do him the seruices, and so prayeth a Subpena against the two defendants.

To the right honourable and reuerend Father in God Stephen Biſhop of Winchester, and L. Chauncellor of England.

A Sheweth & complaineth vnto your good Lo. your dayly Oratoꝛ Sir T. H. Knight, that where your ſaid Oratoꝛ is lawfully ſeiſed in his demeſne as of fee of & in the manoꝛ of D. in the County of C. of which manoꝛ diuers perſons being tenants and freeholders do hold by ſuit of Court and other ſeruices. And where alſo one Io. W. of C. in the ſaid County of C. Eſquier is alſo ſeazed in his demeſne as of fee of & in the Manoꝛ & Lordſhip of C. in ỹ ſaid County of C. and of & in diuers lands & tenements in C. in the ſaid County of C. and ſo being thereof ſeazed the ſame doth hold of your ſaid Oratoꝛ as of his ſaid manoꝛ of D. by homage, fealty, eſcuage, vi. ſ. of rent & ſuit of Court from three weekes to three weekes holden within the ſaid manoꝛ of D. And the ſaid I. W. ſo being ſeazed of the premiſſes hath now lately conueyed & aſſured part of the ſaid manoꝛ, lands & tenements in C. afoꝛeſaid vnto one H. S. Eſquier his heires & aſſignes, by reaſon wherof ỹ ſaid H. S. doth now hold the ſaid parcell of land of your ſaid Oratoꝛ as of his ſaid manoꝛ of D. by the ſeruice afoꝛeſaid, & by part of the ſaid rent of vi. ſ. acoꝛding to ỹ quãtitie of the ſaid lands ſo by him purchaſed of the ſaid I. W. And ſo it is right ho. Lo. that diuers deeds, euidences, wꝛitings, & courtrolls, aſwell cõcerning the ſaid manoꝛ of D. as alſo cõcerning the ſaid rent & ſeruice beforꝛe rehearſed, be now of late caſually comen to the hands, cuſtodie, & poſſeſſion of the ſaid I. W. and H. S. who by coulour thereof do intend now vtterly to diſinherit your ſaid Oratoꝛ of his ſaid rent and ſeruices, and do deny & refuſe either to pay vnto your ſaid Oratoꝛ his ſaid rent, oꝛ elſe to do vnto him his ſaid ſeruices: And although your ſaid Oratoꝛ hath diuers & ſundꝛy times required ỹ ſaid I. W. & H. S. aſwell to deliuer vnto him the ſaid Euidences, deeds, wꝛitings, & courtrolls, as alſo to pay & do vnto him the ſaid rent & ſeruices accoꝛding as of right they ought to do, yet neuertheles the ſaid I. W. & H. S. haue vtterly denied & refuſed alwaies the ſame to do cõtrary to all equitie & cõſcience. And foꝛaſmuch as your ſaid Oratoꝛ knoweth not the certaintie of the ſaide deedes, euidences, & wꝛitings, noꝛ wherein ỹ ſame be conteined, noꝛ alſo knoweth not the certaintie of the ſaid lands & tenements that the ſaide H. S. hath purchaſed of the ſaid I. W. therefoꝛe he is not only clearely without remedie foꝛ the recouerie of the ſaid deeds and euidences, but alſo by the oꝛder of the common lawe is not able to make any auowꝛie vpon the ſaid H. S. foꝛ his ſaid rent. In conſideration whereof may it pleaſe your good Lo. to graunt the King and Queenes moſt gratious wꝛit of Subpena to be directed vnto the ſaide I. W. and H. S. commaunding them and either of them by vertue thereof perſonallie Sect. 176.

to apeare before your good Lordship in the King and Queenes most honorable Court of Chauncerie at Westminster, there to make aunswere to all the premisses, and therein to abide such order and direction as to your good Lordship shall be thought consonant to equitie and good conscience, and your said Orator shall dayly pray to God for your good Lordship in health and honour long to continue.

An Answere to the bill next before.

The Aunswere of H. S. Esquier to the bill of complaynt of Sir T. H. Knight.

Sect. 177. THe said defendant saith, that the said bill of complaynt is untrue, A uncerteine & insufficient in the lawe to be aunswered unto, and the matters therein conteined are determinable and ought to be determined at the Common lawe within the Countie Palantine of C. within which Countie aswell the saide complaynant as the saide defendant do dwell. And also the said mannor and other the premisses mentioned in the said bill of complaint, and supposed to be holden of the said complainant do lie and be: and further saith, that it apeareth by the saide bill of complaint, that although it were true as it is not indeede that the said mannor of Capilthorne were holden of the saide complainant in such manner and forme as in his said bill is surmised, yet the said defendant doth not nor can or ought by the lawe of the realme hold such parcell of the same mannor of C. as he hath purchased by the services mentioned in the saide bill. And also that the saide complainant is compellable by the lawes and statutes of this realme to auow at his perill upon such parcell of the said mannor of C. as is severed frō the same in fee simple for such portion of the said rent as the value of the same parcell so severed doth amount unto, and hath his ordinarie remedie for the same by the order of the common lawes and of the statutes of this realme in that case provided, if the allegations of his bill be true, and the said rent can not by the order of the common lawe of this realme be apportioned in this honorable Court. For which matters and other causes aparant in the said bill the said defendant saith, that the same bill and the matters conteyned in the same be insufficient in the lawe to be aunswered unto: And that he is not compellable, nor ought by the lawe to be compelled to make any further aunswere to the same, and demurreth in lawe upon the same, and prayeth to be dismissed out of this honorable Court without any further aunswere to be made thereunto. And if this Court will not nor do admit this demurrer, but the same notwithstanding will compell the said defendant to make further aunswere to the said bill as otherwise then by compulsatorie order of this Court the

said

ſaid defendant clayming the aduantage of the lawes of this realme whereby he ought to be tryed, doth not nor will make any further or other aunſwere to the ſame, then the ſaide defendant after ſuch order made by this Court to make further anſwere ſaith, that the ſaid I. W. named in the ſaid bill of complaint was ſeazed in his demeſne as of fee, of and in one Meſe and certeine lands and tenements conteyning by eſtimation 60. acres or thereabouts, which meſe and lands is called W. and are within the Countie of C. aforeſaid, and are of the yearely rent and value of 51. ſ. 4. d. and the ſaid I. W. ſo being thereof ſeiſed for certeine ſummes of money to him paid, did bargaine and ſell the ſaid Meſe, lands, and tenements called W. vnto the ſaid defendant and his heires, and thereupon did by ſufficient and lawfull conueyance in the lawe conuey and aſſure the ſaid Meſe, lands, and tenements called W. vnto the ſaid defendant and his heires, to the proper vſe of the ſaid defendant and of his heires, by force whereof the ſaid defendant entred into the premiſſes, and was thereof ſeiſed in his demeſne as of fee, and the ſame eſtate continued vntill about the fifth yeare of the raigne of the late King Edw. the firt, that one R. B. by the commaundement of the ſaid complainant did enter into the ſaid Meſe, and into one paſture or croft, cõteyning by eſtimation 2. Acres of land, lying on ẏ Southeaſt part of the ſaid Meſe and adioyning to the ſame, and into one Orchard and one garden lying to the ſaid meſe, being parcell of the ſaide lands and tenements called W. and in W. aforeſaid, and thereof did diſſeaſe the ſaid defendant to the vſe of the ſaid complainant, to which entrie and diſſeiſin the ſaid complainant did agree, by force whereof the ſaid complainant was and yet is ſeaſed in his demeſne as of fee by diſſeiſin as is aforeſaid of the ſaid meſe, orchard, garden, and croft, without that that the ſaid defendant I. W. did hold the ſaid mannor of Capiſhorne of the ſaide complainant in manner and forme and by ſuch ſeruices as by the ſaid bill of complaint is alledged. Or that there is any ſuch mannor of C. to the knowledge of this defendant, or that the ſaid I. W. did or doth hold the ſaid mannor of C. of the ſaid complainant to the knowledge of the ſaide defendant, or that the ſaide defendant had any other meſes, lands, or tenements which at any time were the meſes, lands, or tenements of the ſaide I. W. other then the ſaid meſe, lands, and tenements called W. or that the ſaid meſe, lands, and tenements called W. are or at any time were parcell of the ſaid mannor of C. and if the ſaid meſe, lands, and tenements called W. had beene parcell of the ſaid mannor of C. as they were not, or if the ſaide defendant did hold the ſaide meſe, lands, and tenements called W. of the ſaid complainant according to the quantitie of the ſaid rent and ſeruice, as the ſaid complainant by his ſaide bill of complaint hath ſuppoſed as he doth not indeede, yet

forſomuch

forsomuch as the said complainant is seised of parcell of the said lands and tenements called W. by disseisin as is aforesaide, and the same mese, lands & tenements called Woodford are holden all by one entire tenure, the whole rent and seruices are suspended during the time of the saide deseisin, and the said defendant is and ought by the lawe to be discharged during the time of the saide disseisin, without that that any Euidences, deedes, writings or Courtrowles concerning the said manor of Ouer, or the said rent and seruice at any time came to the hands, custodie, and possession of the said defendant, or that the said defendant doth intend vtterly to disinherit the saide complainant of the said rent and seruices, or doth wrongfullie denie to do to the said complaynant any seruices which he ought to do or pay, or that any other thing &c. All which matters &c.

A Replication to the Answere next before.

The Replication of Sir T.H. Knight, to the Aunswere of H.S. Esquier.

Sect. 178. THe said complainant saith in all and euery thing as he before in his bill hath saide, and auerreth all and euery thing therein conteined to be good and true in such manner and forme as in his said bill is alledged, without that that the saide R.B. named in the saide aunswere did wrongfullie enter by the commaundement of this complaynant into the said mese & other the lands named in the said answere, being parcell of the said lands & tenements called Woodford, or thereof disseised the said defend to the vse of the said compl as by the saide answere it is vntrulie alledged, or that the said compl did agree to any such entrie & disseisin, as by the said aunswere is supposed, or that this compl was or is by force thereof seised by disseisin of the saide mesuage, orchard, and garden named in the said answere, as by the said answere is vntruly alledged, or that any other matter or thing alledged in the saide answere materiall to be replied vnto, which heere in this replication is not confessed and auoided, denied or trauersed, is true. All which matters &c. A

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A bill containing that the plaintife by bargaine and sale, by feoffement and fine bought one mese &c. in fee, and that diuers euidences concerning the premisses are casually come to the plaintifes hands, and that by cullour thereof the plaintife hath entred into parcell of the premisses and expulsed the plaintife from the possession thereof, and wrongfully keepeth the same.

To the Right Ho. and the reuerend Father in God
Stephen Bishop of Winchester.

Sect. 179. COmplayning sheweth vnto your ho. Lo. your Orator H.S. Esquier, that where one I.W. of C. in the County of C. was seised in A

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his demeſne as of fee, of & in one meſe, one gardē, one orchard, 60. acres of land, meadow, wood, and paſture, with the appurtenances in W. called W. in the Countie of C. and the ſaid I. W. and his anceſtors, whoſe heire he is, did cōtinue peaceable poſſeſſion of the premiſſes by the ſpace of 100. yeares and aboue, and the ſaid I. W. ſo being thereof ſeiſed for certeine great ſummes of money to the ſaid I. W. by your ſaid Orator cōtented & paid, did bargaine & ſell the premiſſes vnto your ſaid Orator & his heires to the proper vſe of your ſaid Orator & of his ſaid heires for euer, and thereupon did by his deede ſufficient in the lawe, giue, grant, & confirme ỹ premiſſes vnto your ſaid Orator & his heires for euer. And for a further aſſurance thereof to be had vnto your ſaid Orator and his heires, the ſaid I. W. before the Juſtice of ỹ ſaid County of C. did leuie a fine *ſur conuſance de droit* of the ſaid meſe, lands, and tenements vnto your ſaid Orator, and by by the ſame fine the ſaid I. W. did knowledge all the right which he had in the ſame meſe, lands, & tenements to be the right of your ſaide Orator, as thoſe which your ſaide Orator had of his gift, as by the ſaid deede & fine more at large it doth & may appeare, by force whereof your ſaid Orator entred into the premiſſes, & was thereof ſeiſed in his demeſne as of fee. But ſo it is if it may pleaſe your hon. Lo. that diuers euidences, deeds, eſcripts & miniments concerning the premiſſes are caſually come to the hāds, cuſtodie & poſſeſſion of one Sir T. H. Knight, who by coulour of hauing thereof hath wrongfully entred into the ſaid meſe, orchard, gardeine, and into one croft conteining by eſtimation 2. acres of land lying & adioyning vnto the ſaid meſe on the Southeaſt part of the ſaid meſe parcell of the premiſſes, and expulſed your ſaid orator from the poſſeſſion thereof: And the ſaid Sir T. H. doth ſtill wrongfully keepe your ſaid Orator from the poſſeſſion of the ſaid meſe, orchard, garden, & croft. And although your ſaid Orator haue diuers times required the ſaid Sir T. H. not only to permit and ſuffer your ſaid orator to haue & inioy the ſaid meſe, lands, and tenements, but alſo to make deliuerie thereof vnto your ſaid orator, which to do the ſaid Sir Tho. at all times hath refuſed & yet doth refuſe, contrary to right, equitie, and conſcience. In conſideration whereof, and for ſo much as your ſaide Orator knoweth not the certaintie of the ſaide Euidences, deedes and writings, nor wherein they be conteyned, therefore he is without remedie by the order of the common lawe. It may therefore pleaſe your honorable Lordſhip to graunt &c.

The Aunſwere of Sir T. H. Knight to the Bill of complaint of H. S.

A THe ſaid defend ſaith ỹ the ſaid bill of compt is vncerteine & inſufficient in ỹ law to be anſwered vnto, & the matters therein cōteined Sect. 180.

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beene very vntruly deuised, imagined, and set forth, without any good matter or iust cause, only to the intent to put this defendant to wrongfull veration, trouble, and expences. And for aunswere vnto the saide insufficient bill, the said defendant saith, that our late soueraigne Lord King Henry the eight late King of England, father to our most soueraigne Ladie that now is, was seised among other lands in his demesne as of fee, as in the right of his said Crowne of and in the Mannor and Lordship of D. with the appurtenances and hamlets to the same appertaining, set, lying, and being in the Countie of C. whereof the said messuage, garden, orchard, and croft, conteining by estimation the said two Acres of land lying in D. parcell of the premisses in the said bill of complaint mentioned be parcell: And our said late soueraigne Lord King Henry the eight being so thereof lawfullie seised aswell for and in consideration of the faithfull seruice that the saide defendant had done to the said late King Henry the 8. as also for diuers summes of money paid by ỹ said defendant to the said late King Hen. the 8. the said late King Henry the 8. by his letters patents in this honorable Court readie to be shewed, the date whereof the said defendant doth not perfectly remember, did giue and graunt of his prescience and meere motion vnto the said defendant the said mannor and other the premisses in the saide Aunswere mentioned, to haue and to hold vnto the said defendant and his heires for euer, by force whereof this defendant vnto the premisses entred, and thereof was seised accordingly, and tooke the profits thereof accordingly, and yet doth as well and lawfull it was and is for him to do. And further the said defendant saith, that such euidences, deedes, escripts, and writings concerning the premisses mentioned in this aunswere as the said defendant hath concerning the same, he the said defendant doth detaine and keepe them for the preseruation of the right, title and interest that he hath to the same as well and lawfull is for him to do. And furthermore the saide defendant saith, that as to any other deedes, euidences, writings and miniments concerning the residue of the said lands and tenements specified in the saide bill of complaint, or any parcell thereof in W. aforesaid, which do concerne the Interest, inheritance, and title of the said complaynant, the said defendant aunswereth and saith, that he doth not withhold any, nor yet at any time hath withholden from the saide complaynant any such as by the saide bill is vntruly deposed, without that that the said Jo. W. of C. named in the said bill was seised in his demesne as of fee of or in ỹ said mese, orchard, garden, or croft mentioned in the said bill or any parcell thereof, set, lying, and being in D. aforesaid. Or that the said J. W. or his auncestors whose heire he is did continue peaceable possession of the premisses by the space of 100. yeares and aboue as by the saide bill of complaint is

vntrulie

vntrulie ſurmiſed, or that the ſaid Jo. ſo being thereof ſeiſed for certeine ſummes of money, did bargaine or ſell, or might lawfully bargaine and ſell the premiſſes conteyned in the ſaid Aunſwere or any part thereof ſet, lying, and being in D. or the Lordſhip of the ſame, to the ſaid complaynant and his heires as by the ſaid bill it is in like manner vntrulie alledged and ſuppoſed. Or that the ſaid Jo. before the Juſtice of Aſſiſe of the ſaid Countie of C. did leuie a fine *ſur conuſance de droit* of the ſaid meſe and other the premiſſes mentioned in the ſaid aunſwere, or of any parcell thereof vnto the ſaid complainant, as by the ſaid bill is alſo vntrulie ſurmiſed: or that by the ſaid ſuppoſed fine the ſaid Jo. did knowledge, or might lawfullie knowledge the ſaid meſe and other the premiſſes conteined in the ſaid bill to be the right of the ſaid complainant, as thoſe which the ſaid complainant had of his gift as it is in like manner vntrulie ſuppoſed, or that by force thereof the ſaid complainant entred or might lawfullie enter into the ſaid meſe and other the premiſſes in this aunſwere mentioned, or that he was thereof lawfullie ſeiſed in his demeſne as of fee, as by the ſaid bill it is alſo vntrulie ſurmiſed, and without that that any other matter or thing alledged in the ſaide bill materiall to be aunſwered vnto, which heere in this aunſwere is not confeſſed and auoided, denied or trauerſed, is true. All which matters this defendant is readie to auerre & prooue as this Court ſhall award, and prayeth to be diſmiſſed out of this Court with his coſts and expences in this wrongfull vexation ſuſtained.

R. Ge.

The Replication of H. S. to the Aunſwere of Sir T. H. Knight.

A THe ſaid complainant ſaith, that the ſaid bill of complaint is true, Sect. 181. certeine, and ſufficient in the lawe to be aunſwered vnto, and not imagined and ſet forth by the ſaid complainant of malice, or wrongfullie to put the ſaid defendant to coſts, labour, or expences, for the ſaide complainant auerreth his ſaid bill of complaint and euery thing therein conteined to be good and true in manner and forme as in the ſaid bill of complaint is alledged, without that that the late King Henry the 8. named in the ſaide aunſwere was ſeazed in his demeſne as of fee as in the right of his Crowne of and in the ſaide meſe, garden, orchard, and croft, conteining by eſtimation two acres of land lying in D. parcell of the lands and tenements mentioned in the ſaide bill of complaint, as parcell of the manor and Lordſhip of D. in the ſaid Countie of C. or that the ſaide meſe, garden, orchard, and croft, or any part or parcell thereof is or at any time was parcell of the ſame manor, or that the ſaid late King by his letters patents gaue and graunted vnto the ſaide defendant and his heires for euer the ſaide meſe, garden, orchard, and croft,

croft, or that the saide late King Henry the 8. did or might lawfullie giue the said mese, garden, orchard, and croft vnto the said defendant, or that the saide mese, garden, orchard and croft, did or might lawfullie passe or come vnto the said defend by the said graunt, if any such graunt had beene as there was not indeede, or that the said defend by force of any such graunt or letters patents entred into the premisses last before mentioned, and was thereof seazed accordinglie, or did or might lawfullie take the issues and profits thereof by force of the same letters patents, or that any other thing &c. All which matters the saide defendant &c. And prayeth that it may be ordred by this ho. Court, that the said complainant may quietly enioy the lands and tenements mentioned in the said bill of complaint, without let, suit, veration, or impediment of the saide defendant, or of his heires, or any other person or persons by his or their consent, ayde, title, or procurement.

A Supplication exhibited by a Scot to the priuie Counsell (his suit being commended to the Queene by letters from the King of Scots) robbed by Pirats vpon the Sea, who desireth a Commission to examine witnesses to proone the Piracie.

To the Right Ho. the Lords and others of her Maiesties honorable priuie Counsell.

Sect. 182. MOst humbly beseecheth your good Lo. your distressed Suppliant G. P. of the towne of Leth in Scotland, being lately robbed and spoiled by certaine english pirats vpon the seas of all his goods to the value of 400. l. or there abouts, as by certaine proceedings in the court of ỹ Admiraltie plainly appeareth, and for that this cause hath bin commended to her Maiestie by the king of Scots his letters, your Lo. poore suppliant therefore hopeth the rather to be relieued in any of his reasonable & conscionable suits & requests at your ho. hands. It may therefore please your good Lo. to tender & pitie the case of your said Suppliant, & to graunt vnto him your ho. letters of Commission to be directed to the Maior of the towne of H. in the Countie of P. & others Iustices of peace & Aldermen of the said towne, geuing them Aucthoritie thereby to call before them the persons whose names be subscribed, & vpon their corporall oathes to examine thē vpon such questions or interrogatories as vpon your said suppliants behalfe shalbe ministred vnto them, and to certifie their sayings & depositions touching the premisses vnto your good Lo. vnder their hands & seales, with all cōuenient speede they may. And your good Lo. poore suppliant shal dayly pray to God for the preseruation of your good Lo. in all health & honour long to continue. A

A. B. } the witnesses,
C. D. }
E. F. }

The indorsement of the Supplication.

13. Decembr̄. 1600.

The humble petition of G. P. of Leth in Scotland.
And then endorse the contents of the petition.

A Supplication by two maymed ſouldiers, to haue the Counſels licence to begge, or to haue ſome maintenance allowed them for their preſent ſtay and reliefe, vntill two Almes roumes which the Queene gaue in reuercion do become voide.

To the Right Ho. the Lords &c.

A HAmblie ſhewe and beſeech your good Lo. your bery pooze and humble Suppliants A.G. and B.C. That whereas in conſideration of the ſundzie maymes and hurts of your ho. Suppliants in her Maieſties ſeruice, it pleaſed her highneſſe of her moſt gratious diſpoſition and pitifull conſideration of vs, to giue and beſtowe vpon vs the reuercion of two ſeuerall Almes roomes in the Hoſpitall of D. in the Citie of London during our liues when the ſame ſhall become voide, the which be yet full, and after their deathes which now be in the poſſeſſion of the ſame diuers reuercions are graunted to ſeuerall perſons of the ſame, by reaſon whereof your Lo. pooze Suppliants are neuer likely to enioy the ſame roumes foz their reliefe and ſuſtenance. In conſideration whereof, and foz that your ho. ſaid ſuppliants be in bery pooze and weake eſtate by reaſon of their ſaide maymes and hurts, and greatly indebted to diuers perſons, being charged with wiues and many childzen, not hauing any thing now left them to maintaine, helpe, oz relieue themſelues withall in this their great pouertie and extremities, but are readie to periſh foz lacke of ſuſtenaunce and other meanes, It may therefoze pleaſe your good Lo. the pzemiſſes being by your ho. tenderly conſidered, to graunt vnto your Lo. pooze Suppliants foz their pzeſent ſtay, reliefe and comfozt, your Honours licence foz the taking and receiuing of the Almes, and charitable beneuolence of the well diſpoſed perſons thzoughout the whole Realme, vntill the ſaide Almes roumes ſhall become voide, oz ſome other pzouiſion oz maintenaunce foz the reliefe of their pzeſent neceſſitie, ſuch as to your Honours ſhall ſeeme meete and conuenient may be had & made, and your ſaid pooze Suppliants accozding to their bounden duties will pzay to God foz your good Lozdſhips in all health & honour long to continue. Sect. 183.

A Supplication by a Merchant ſtraunger, who hauing beene before called into queſtion for coſening of one in a barter of Pearle for Cloth, who deſireth the ſame may be examined and ended by Aldermen of London, and other aſſiſtants of skill and iudgement: And that if they cannot agree, then the Lord Maior of London to be vmpier betwixt them, or elſe that the ſame may receiue a triall in any Court of Iuſtice within the realme, and that in the meane time his libertie may not be impeached.

To

Supplications, Bils,

To the Right Honorable the Lords &c.

Sect. 184.

IN all humblenes beseecheth your honorable good Lordship I.C. of the Citie of London Merchaunt straunger. That whereas R.S. of the same Citie Merchant taylour hath sundrie times complained vnto your Honor that the saide Suppliant had cosened him in deliuering pearles for 185. pound, which were not worth 20. pound, in consideration of a barter of cloth deliuered to your Lordships Suppliant, whereupon it pleased your Lordship to graunt your warrant for the bringing of the saide Suppliant and his aged father before your good Lordship to answereto the said supposed cosenage obiected against them, which they haue alreadie in some sort answered, according to the shortnes of the time. But for as much as for the full and plaine discouerie of the said pretended cosenage, wherewith your Lordships said Suppliant is charged by the saide R.S. it seemeth requisite that the whole proceedings in the said barter or contract were throughly examined by some Aldermen of the Citie of London, calling vnto them for their assistance therein two of the Dutch Church, of sufficient iudgement and skill in such cases to be indifferently nominated by your saide Suppliant and the said R.S. It may therefore please your good Lordship to giue full power and aucthoritie by your Honors letters to Alderman S. and E.D. one of the Dutch Church chosen by your said Suppliant (if so it may stand with the liking of your good Lordship) being of iudgement and skill, and very wise and discreete men, and to an other Alderman of the saide Citie, and any other of the said Dutch Church to be likewise nominated and appointed by the said R.S. who may examine and try out the truth of the saide supposed cosenage: And that it may also please your good Lordship that the Lord Maior of the said Citie of London may be by your Honor nominated and appointed to be vmpier in the said cause for the finall ending thereof, if it should so happen and fall out that the said foure persons should not fully end the same cause betwixt the saide parties touching the said supposed cosenage, to the which arbitrement & vmpiradge your saide Suppliant will willingly submit himselfe to stand vnto and performe. And if the saide cause can not by the saide arbitrators or vmpiers receiue a full and finall ende through the wilfulnes or frowardnes of the saide R.S. according to the charitable and honest intent and purpose of your Lordships saide Suppliant. Then your said Suppliant humblie beseecheth your Honor that it may be ordered by your good Lordship that the saide cause may receiue a short, speedie, vpright, and indifferent tryall at the Common lawe in what Court it shall please your good Lordship to appoint. And for that your said Suppliant doubteth least by the practise of the

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said

ſaid R.S. his libertie may be impeached before the ſaide ſuppoſed coſe-nage may be fully tryed & ended, the petitioner therefore humblie beſeecheth your good Lo. that by your Lo. order his poore aged father may be protected and defended from arreſts or other trouble or moleſtation, vntill the ſaid cauſe ſhall receiue a full and finall end, and your ſaid Suppliant ſhall dayly pray to God for &c.

A Supplication by an Inkeeper impriſoned for treaſon vpon counterfaite letters from the priuie Counſell, who being thereof afterwards diſcharged by letters from the Counſell, had ſeuerall accions of det laid vpon him before his inlargement. And afterwards was from thence remoued to the Fleete, and there remayning for his det, prayeth that he may complaine of abuſes offered to him, and to detect others of offences and miſdemeanours by them committed. And alſo to write letters to the Commiſſioners for priſoners for det in the Fleete, to compound all cauſes betwixt him and his creditors.

To the Right Ho. the Lords &c.

A HUmbly ſheweth and complaineth vnto your good Lo. your poore Sect. 185.
ſuppliant & dayly Orator I.W. of N. now priſoner in ỹ Fleete. That where about the month of September laſt paſt in the 32. yeare of her Maieſties raigne, one W.P. brought to the ſaid towne of N. certaine counterfait letters vnder the names of the Lo. Chancellor, Lord Treaſuror, and others of her Ma. moſt honorable priuie Counſell, with commandement to I.B. then Maior of the ſaid towne of N. by vertue of the ſaid letters, to apprehend & take your ſaid ſuppliant vpõ ſuſpition of treaſon, & to commit him to cloſe priſon, with heauy irons to be laide vpõ him, the which the ſaid Maior executed accordingly, where your ſaid ſuppliant ſo continued by the ſpace of 5. weekes. And your ſuppliant being ſo impriſoned, required the ſaid Maior that the ſaid W.P. might be ſtayed, for that he in the ſame yeare had counterfaited certeine other letters vnder diuers of your Lo. hands, but the ſaide Maior refuſed to ſtay him becauſe he came with your Lo. letters to him (as he ſuppoſed), ſo the ſaid W.P. departed, leauing your ſaid ſuppliant in cloſe priſon. Whereupon your ſaid poore ſuppliant ſent one to aquaint your ho. with his poore diſtreſſed caſe, for redreſſe & reliefe frõ your good Lo. therein, who thereupon receiued your honorable letters in your ſuppliants behalfe, directed vnto the ſaid now Maior of the ſaid towne of N. for his enlargement of his ſaid impriſonment. But your Lo. ſaid letters notwithſtanding, your poore ſuppliant was not ſet at libertie, but detained in priſon by the ſpace of 8. dayes after your Lo. letters were deliuered vnto the ſaid Maior, by meanes whereof there was one execution for det, and diuers other Accions of debt laid vpon him to the vtter vndoing of him, his wife, & 8. poore children, your ſuppliant being a poore Inholder in the ſaid towne of N. & hauing no other trade of liuing or meanes

to maintaine himselfe & his poore family, by reason of which said vntrue slaunder of suspition of Treason, & of his long imprisonment of seuen months or more, he hath lost all his accustomed guests being many, which vsed to come to his said house. May it therefore please your good Lo. the premisses being by your Honors tenderly considered, & for that your said poore suppliant vpō his remoue to the prison of the Fleete, entered into bond to appeare before your good Lo. at what time soeuer it should please your Ho. to appoint him so to do, to admit your said suppliant to complaine before your Ho. of diuers wrongs & abuses offered & done vnto your poore suppliant, as also to discouer & detect ẏ said W. & some others his confederates of very lewd parts & offences cōmitted by thē: And also ẏ it wil please your Ho. to graunt your letters to ẏ Cōmissioners for poore prisoners for debt in the Fleete, for ẏ speedy compounding & ending of all causes betwirt your said suppliant & his creditors, and your said suppliant as he is most bounden shal dayly pray for your Ho. good Lordship in health and in honour long to continue.

A Supplication containing that vpon a former supplication the Counsels letters were directed to a knight and others of the cuntrey where both the parties dwelled to heare and end a cause being a matter of account, whereupon the knight and the others first wrote their letters to the parties and they not comming before them, vpon their letters they did thereupon by vertue of the Counsels said letters send their precept vnto them commaunding them to appeare before them for ending of the said cause, who refused to come before thē, the which his contempt was by the said knight &c. certified to the Counsell against them. And now the petitioner prayeth the Counsels warrant to bring the parties before the said knight &c. for the ending of the said cause, and if the said parties wilfully refuse to stand to and obey their order, then to commit them to the Gaole, there to remayne vntill they will be contented to obay and performe the same.

To the Right Honorable the Lords &c.

Sect. 186. HUmbly sheweth vnto your good Lo. your humble suppliant N. A
C. Clothier, that whereas vpon a former petition exhibited vnto your good Lo. declaring the iniurious, vnconscionable, & sinister dealings of one T. N. & I. his sonne, touching a matter of debt & account, which was by your said suppliant fullie satisfyed: Yet continued they suite against your said suppliant for the space of seuen yeares together only of purpose & malice to the end to molest, trouble, & impouerish your said suppliant, as by diuers certificates then to your Ho. by your saide suppliant shewed did fully & at large appeare, as also the lewde & euill conuersation & demeanor of ẏ said I. N. dulie certified vnto your good Lo. by the towne of C. in the County of S. vnder the common Seale of

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the ſame towne: whereupon it pleaſed your good Lo. to direct your honorable letters vnto Sir G. T. of A. in the ſaid County of S. knight, & others, to call before them the ſaid T. N. and all other perſons whom that matter did in any wiſe concerne, and that vpon due hearing & examination of witneſſes vpō both parts to be produced to proceede to the finall ending & determining thereof according to equitie & conſcience, and thereupon the ſaid Commiſſioners according to your Lo. ſaid letters of Commiſſion ſent firſt their letters, requiring them to come before them for the ending of the ſaid cauſe: and for that they did not appeare before them vpon their ſaid letters, they then addreſſed vnto thē their precept, requiring and commanding them and euery of them by vertue of your Honours ſaid letters of Commiſſion to them directed, to come & appeare before them for the ending of the ſaid cauſe, both which letters & precept were deliuered by one A. B. vnto the ſaid T. N. who was the principall moleſtor & troubler of your ſuppliant in theſe cauſes, who albeit he had receiued the ſaid letters & precept, yet that notwithſtanding he would not appeare before the ſaid Commiſſioners, but contemptuouſly by his letters to the Cōmiſſioners refuſed to appeare before them either vpō the ſaid letters or the precept frō the ſaid Commiſſioners, as by a Certificate frō the ſaid Commiſſioners ready to be ſhewed vnto your good Lo. may appeare, to the great derogation & contempt of your good Lordſhips. May it therefore pleaſe your Ho. for the bridling & checking of ſuch diſſolute, froward, & wilfull obſtinacie, to the terrifying of ſuch like diſobedient perſons, to graunt vnto your ſaid ſuppliant your Lo. warrant to be directed vnto the Sherife of the ſaid County of S. to bring the ſaid T. N. before the ſaid Commiſſioners at ſuch day, houre, & place, as by letters frō the ſaid Commiſſioners to the ſaid Sherife ſhalbe aſſigned or appointed: And that if the ſaide T. N. being ſo brought before the ſaid Commiſſioners ſhall wilfully refuſe to obay & performe ſuch order, end, & determination, as the ſaid Commiſſioners ſhall thinke good to ſet downe therein: That the ſaid Commiſſioners may haue full power & Aucthority to commit the ſaid T. N. to the Gaole within the ſaid County, there to remaine vntill he will yeeld to performe and obay the order and determination of the ſaid Commiſſioners, or that your good Lo. ſhall geue order and direction for his deliuery out of priſon. And your ſaid Suppliant ſhall dayly pray for the preſeruation of your good Lordſhips in all felicitie and happines long to continue.

A Supplication by one for himſelfe and for eight other priſoners endicted of murder in Wales (wrongfullie as they pretend) contayning a former Supplication, whereupon the Counſell ordered that they ſhoulde receiue their tryals vpon the ſayd Indictmens of life and death in the

Countie of Salop, and not in the Countie of M. where they were indicted, praying that they might be bayled, for that he was a freeholder of good woorth, and able to put in good suertie, that the Counsell would be pleased to giue order by their letters to the Lo. President and Counsell in the marches of Wales for the bayling of them.

To the Right Ho. the Lords &c.

Sect. 187.

MOst humbly enformeth your good Lo. your humble suppliant and dayly Orator E.D. of the County of C. for himselfe & 8. others, now prisoners in the Gaole of M. for a supposed murthering of one M. G. who died about Pentecost last past: That whereas vpō some sodaine heate of woords variance hapning to growe betweene the same M.G. & your said suppliant L. in the said County of C. vpon the 28. day of May last past, about the hauing vp of a writ of Capias, with a fee formerlie giuen for the executing of the same writ, at which time by hard hap a stander by geuing a light blowe to the said M.G. with a stone vpon the head, whereof he neuer languished so much as one houre in outward apparance, neither did his Chirurgion conceiue any danger to be therein, but the said M.G. trauelled afterwards without shewe of griefe from place to place about his affaires into forraine countreys, vsing all exercises & disports of pleasure, and afterwards vpon the 10. day of June through sickyes died in the said County of M. In which County of M. by fauour of the kinred & allies of the said M.G. your suppliant and 11. others were vniustly endicted for ỹ death of the said M.G. as for murther although there were no maner of malice betwirt your Lo. said suppliant & the said M.G. before the said hurt of him ỹ said M.G. but great good will & liking betwixt thē. For the same night that the said M.G. was hurt as is aforesaid, he had appointed to lye at your Lo. said suppliants house, whereupon your good Lo. said suppliant being an humble suitor to your Ho. for redresse of the said hard measure, it pleased your good Lo. in your very honorable consideration by order frō your Lo. to appoint the triall of your said suppliant, & the other 8. endicted persons at the Assises to be holden for the said County of Salop, as a place more indifferēt & fit for the same, and yet neuertheles your said poore suppliant & the rest remaine in prison & cannot be bayled, and albeit very good & sufficient bayle haue bin by your Lo. suppliant diuers times offered not only for himselfe, but also for the rest of his people, being endicted & imprisoned. And for that your ho. said suppliant is a freeholder, of credit & woorth well able to find very good & sufficient suretie for his owne bayle & his said people to appeare and answere to the said indictment against them before the Qu. Maiesties Iustices of Assise for the saide County of Salop, at ỹ nert assises to be holden within the said County of Salop for the said County. It may therefore please your good Lo. of your accustomed care and commiseration of poore afflicted persons

for

for their relieſes, to giue ſuch order and direction by your honours letters to be directed to the Lo. Preſident and Counſell of the Marches of Wales, that your Lo. ſaid Suppliant and his poore people may not only receiue their ſaid triall vpō the ſaid indictment in the ſaid County of Salop according to your good Lo. former order & directions therein, but alſo that they may be preſently bayled vpon good and ſufficient ſureties to be of them taken by the ſaid Lo. Preſident and Counſell for their perſonall appearance before the ſaid Juſtices of Aſſiſe for the ſaid Countie of Salop at the ſaid next Aſſiſes to be holden before them for the ſame Countie, then and there to anſwere to the ſaid endictment, and to receiue therein according to lawe and iuſtice: And your ſaid poore Suppliant ſhall pray vnto God for the long preſeruation of your good Lordſhip in health and much honour long to continue.

A Supplication to haue the Counſels letters to two Bayliffes of a Towne, to take vpon them the hearing of a controuerſie of an Account, or elſe to appoint other two to do the ſame, and that they two to appoint an vmpier to end the matter. And if the ſaid vmpier cannot end it, then to certifie the Counſell of the ſtate of the matter, and their opinions thereof, and in whom they conceiue the fault to be.

To the Right Honorable the Lords &c.

A IN moſt humble and lamentable maner ſheweth vnto your honorable Lordſhips your poore Suppliant A. B. of C. in the Countie of N. Merchant. That whereas there are diuers matters of Account in queſtion and controuerſie betweene your ſaid poore ſuppliant, & one H. B. of N. which will aſke & require ſome long time & great charges to be proſecuted & determined by the due courſe of the common lawes of the realme, the which would turne to the vtter vndoing of your ſaid ſuppliant, becauſe he is now readie with his Ship to depart towards the Straights, and therefore very vncertaine of his returne. It may therefore pleaſe your good Lo. to graunt your Ho. letters to be directed vnto the two Bayliffes of great Yarmouth, either to heare the ſaid Account betwirt them, or elſe to appoint two other indifferent perſons to heare the ſame, and that thoſe two may of themſelues appoint an vmpier to end and determine the ſaid controuerſies, vnto the which if the ſaid H. B. or your Ho. ſaid Suppliant will not yeeld vnto, that then they may certifie vnto your good Lo. the ſtate of the ſaide controuerſies betwirt them, with their opinions therein, and in whom they conceiue the fault to be. And your ſaide poore Suppliant ſhall be bound during his life to pray for your good Lo. increaſe of honour, and perpetuall felicitie. Sect. 188.

Supplications, Bils,

A Supplication of H. K. and E. M. beeing prisoners in the Fleete for misdemeanors sentensed in the Star chamber to be enlarged of their imprisonment.

To the Right Ho. the L. Keeper of the great seale of England.

Sect. 189. THe Suppliants in Michaelmas Tearme last were sentensed for a Riot, & other misdemeanours, and A. B. the principall defend was then also committed to the Fleete, and adiudged to pay to the Queene 100. l. for a fine, and also to discharge the fines imposed vpō such other of the said defendants then likewise sentenced & fined as are not able to satisfie the same. Your Lo. saide poore Suppliants dwelling in the County of T. were brought vp by the Warden of the Fleets seruants, & are now likewise prisoners in the said prison of the Fleete for the said offences, where they haue already remained by the space of a fortnight & more in great miserie & want, being very poore men & very aged, and hauing nothing at all wherewith to relieue their great wants & necessities more then the bare allowance of the prison, being so small, as your poore suppliants are readie to starue for want of meate, drinke, & other necessaries, to the vtter ouerthrowing of them and their poore wiues & children, without it may please your good Lo. speedily to extend your commiseration and pitie vpon them in setting them at libertie. A

A Supplication of a prisoner in the Fleete for misdemeanours censured in the Star chamber to be enlarged of his imprisonment, and to haue the benefit of a generall pardon, and to be discharged of one of his fines imposed vpon him.

To the Right Ho. Sir T. E. Knight, Lord keeper
of the great seale of England.

Sect. 190. IN all humblenes H. A. a very poore aged man of 70. yeares old and more now prisoner in the Fleete, humbly beseecheth your good Lo. That where your suppliant in the cause betweene A. B. and C. D. had in the Starrechamber two seuerall fines imposed vpon him for two seuerall misdemeanours, the one a fine of 10. l. & the other a fine of 20. l. and brought out of the Countie of T. by the seruant of the deputie warden of the Fleete to the prison of the Fleete, the 10. day of this instant June, being as he is informed discharged and freed from the said first fine of 10. l. and from imprisonment of his bodie by her Maiesties most gratious generall pardon at the last Parliament, that it would please your good Lo. for Gods sake to yeeld and allow vnto your Lo. said suppliant the benefit of the said generall pardon for his said first time, and also in your ho. and mercifull regard of his great pouertie & miserie he now lieth in to enlarge him of his said imprisonment, and to discharge him of the said fine of 20. l. and to set it ouer vpon the head of the said A.

C. D.

C. D. according to an order therein taken: And alſo to order & appoint the ſaid C. D. to pay your ſaid ſuppliants priſon charges, hauing been drawen into that action by the ſaide C. D. otherwiſe your Lo. poore ſuppliant is vtterly vndone for euer, and ſhall neuer be able to procure his libertie, but of force muſt periſh in priſon: And your ſaid poore ſuppliant & his poore wife and children ſhall dayly pray for your Lo. good and honorable eſtate in all health and happines long to continue.

A Supplication of a priſoner in the Fleete for a miſdemeanour cenſured in the Starre chamber to haue the benefite of a generall pardon, and to be diſcharged of his impriſonment and fine, and that in reſpect of his very poore eſtate his priſon charges may be paid and diſcharged by one A. B. by whoſe meanes the Suppliant was drawen into the action.

To the Right Ho. Sir T. E. Knight, Lord keeper of the great ſeale of England.

A YOur Ho. very poore Suppliant H. M. being a very poore olde man of aboue 80. yeares old, and weake and ſicklie, now priſoner in the Fleete, humbly beſeecheth your Lo. That where your poore ſuppliant in a cauſe betweene A. M. and C. K. was fined in the Starre chamber at the ſumme of 5. l. and brought out of C. by the warden of the Fleets ſeruants to the priſon of the Fleete, the 20. day of this July, that he may not only be freed & diſcharged of the ſaid fine impoſed vpon him, but alſo of his ſaid impriſonment by force and vertue of a generall pardon at the laſt Parliament. And that your good Lo. will be pleaſed for Gods cauſe to yeeld & allow vnto your poore ſuppliant the benefit of ỹ ſaid pardon for his enlargement. And further, that it will pleaſe your good Lo. in regard of his great pouertie being not able to relieue himſelfe with ſufficient meate and drinke, but is ready to ſtarue for hunger for want thereof, to take ſuch order that the ſaid C. K. by whome your ſaid poore ſuppliant hath been drawen to commit the ſaid miſdemeanour, may pay for your ſaid ſuppliant all his fees and charges of impriſonment, the which if he be not compelled by your good Lo. to do, your ſaide poore ſuppliant is very likely to remayne languiſhing in priſon all the dayes of his life, without any hope euer to be deliuered thence. And your poore ſuppliant will dayly pray for your good Lo. &c. Sect. 191.

The end of Bils and Anſweres &c.

A HItherto of Bils, Anſweres, Replications, Reioinders, &c. and ſuch other things as concerne the maner of proceeding in Chancery ſuites, with ſome newe additions vnto them added. Now of certaine writs and commiſſions iſſuing thence, and there alſo retournable.

The maner of proceeding vpon a ſpeciall Certiorari.

Sect. 192. The party grieued exhibiteth his bill, and by the ſame prayeth not only a ſpeciall Certiorari, but alſo a Subp. againſt the def. to anſwere to his bill, as appeareth by the laſt two bils. And if the Lord Chauncelor, Lord Keeper, or Maiſter of the Rols ſhall ſee good and probable matter in the bill, they vſually graunt the ſame, taking bond of the plaintife for the proofe of the ſurmiſes of his bill, within foureteene daies after the retourne of his ſpeciall Certiorari, which writ of Certiorari followeth in hæc verba. A

Elizabeth Dei gratia Angliæ, Franciæ, & Hyberniæ, Regina, fidei defenſor &c. Maiori & Vicecomitibus London ſalutem, volentes certis de cauſis certiorari ſuper cauſa captionis & detentionis R. S. in priſona ſub cuſtodia veſtra, vos præfati vicecomites detenti vt dicitur, vobis mandamus, quod cauſam prædictam cum omnibus eam tangentibus quocunque nomine idem R. in cauſa illa cenſeatur nobis in Cancellariam noſtram in quindena paſche prox. futur, vbicunque tunc fuerit, ſub ſigillis veſtris diſtincte & aperte mittatis, & hoc breue teſte &c. B

And if the pl. do not make proofe of the ſurmiſe of his bill as aforeſaid, then vpon certificat made vnder the hands of the examiners of this Court, and notice from the plaintifes Attourney that he hath not examined any witneſſes either in this Court, or by Commiſſion, then a Procedendo is graunted of courſe. But if there be witneſſes examined, then to haue their examinations referred to a Maſter of the Chancery. C

And if he finde and ſo certifie, that the plaintife hath proued the ſubſtance of his bill, then the cauſe to be reteined & ordered in this Court, if not, then a Procedendo to proceede for the remuanding of the ſaid cauſe. D

A Corpus cum cauſa to remoue a Priſoner.

Sect. 193. REgina &c. Maiori & Vicecomitibus Lond' ſalutem. Mandamus vobis, quod R. S. quocunque nomine cenſeat captum & in priſona ſub cuſtodia veſtra vos præfat Vicecomit detent, vt dicitur, habeatis coram nobis in Cancellar noſtra tali die proxim futur, vbicunque tunc fuerit, vna cum cauſa captionis & detentionis ipſius R. in priſona prædict'. Et hoc nullatenus omittat. Et habeatis ibi hoc breue. Teſte &c. A

This writ is graunted by the L. Chauncelor, L. Keeper, or Maſter of the Rolles, for the moſt part vpon a Bill exhibited, and good baile put into the Court for the parties apparance and fourth comming, de die in diem, or further time, as the Court ſhall thinke fit, whereby many of her Maieſties ſubiects are verie much relieued in hard and extreame cauſes, lying often times in priſon vpon great actions ſurmiſed B

againſt

againſt them, without iuſt cauſe, and thereby not able to put in ſuch bayle, as the common Lawe doth require in ſuch caſes.

Of a writ of Diem clauſit extremum.

A THis writ is to be ſued fooꝛth by the heire of the kings Tenant in chiefe, within a yeare after the death of his auncеſter, oꝛ a Commiſſion of the ſame effect. And an Office oꝛ Inquiſition being thereupon taken and retoꝛned, ſuch heire may haue liuerie of his lands out of the kings hands, foꝛ if the lands of ſuch tenant exceede the yearely value of v.li. no Liuerie thereof can be ſued, befoꝛe ſuch Inquiſition oꝛ office found and retoꝛned by vertue of ſuch wꝛit oꝛ Commiſſion. And ſuch wꝛit oꝛ Commiſſion may not paſſe, but by warrant oꝛ bill, firſt ſigned and ſubſcribed with the hands and names of the Maſter of the Wardes and Liueries, the Suꝛueioꝛ of the Liueries, and the Attoꝛney of the Court of Wardes & Liueries, oꝛ ſome of them, 33.H.8.cap.22. The foꝛme of which wꝛit inſueth. Sect'.194.

B Rex Eſchaetori in comit̃ Eb. ſalutem. Quia I. qui de nobis tenuit in capite Diem clauſit extremum, vt accepimus. Tibi præcipimus, qd' oĩa terras & teñta de quibus idem I. fuit ſeiſitus in dñico ſuo vt de feod', in balliua tua die quo obijt, ſine dilatione capi in manũ nr̃ã, & ea ſaluo cuſtodiri facias, donec aliud inde præciperimus: Et per ſacramentum proborum & legalium hominũ de eadem balliua tua, per quos rei veritas melius ſciri poterit diligenter inquiras, quantum terr̃ & teñtorum prædictus I. tenuit de nobis in capite, tam in dominico quã in ſeruitio, in dict' balliua tua dict' die quo obijt, & quantum de alijs, & per quod ſeruitium, & quantum terr̃ & teñta illa valeant per annum in omnibus exitibus, & quo die idem I. obijt, & quis propinquior hæres eius ſit, & cuius ætatis. Et inquiſitionem inde diſtincte & aperte factam nobis in Cancellar' noſtram ſub ſigillo tuo, & ſigillis eorum, per quos facta fuerit, ſine dilatione mittas &c. Et hoc breue. T. &c.

But if one that holdeth of the Queenes ward by knights ſeruice die, the Diem clauſit &c. muſt be thus:

C Regina dilecto &c. Quia I. de S. qui de hæred' W. de O. defunct', qui de nobis tenuit in capite, infra ætatem, & in cuſtodia noſtra exiſtent̃ tenuit per ſeruic' Militar̃ Diem clauſit extremum, vt accepimus. Tibi præcipimus, quod omnia terr̃ & teñt̃ &c. per ſacramentum &c. quantum terrarum & tenementorum̃ idem I. tenuit de hæred' prædict̃. Et quis propinquior hæres eius ſit &c. *vt ſupra.*

And if the Queenes warde, Thus:

D Regina &c. Quia R. de H. filius & hæres I. de H. defuncti, qui de nobis tenuit in capite, nuper dum infra ætatem & in cuſtod' noſtra fuit, Diem clauſit extremum, vt accepimus. Tibi præcipimus, quod per ſacramentum

cr̃amentum &c. inquiras, quæ terræ & quæ teñta per mortem prædict̃ I. & ratione minoris ætatis hæred' prædict̃ I. ad manus nr̃as deueneř, & ſic in manu noſtr̃ exiſtunt, & quantum inde de nobis tenetur in capite, & quantum de alijs, & per quod ſeruitium, & quantum &c.

But if the wife of the Queenes tenant which holdeth in Dower dye, his Heire being the Queenes warde, then the Diem clauſit extremum *muſt be made* thus:

Rex dilecto ſibi N. de B. Maiori ciuitatis ſuæ London, & Eſchaetori E
ſuo in eadem Ciuitate ſalutem. Quia E. quæ fuit vxor I. de B. nuper defunct', quæ quaſdam terras & quædam tenementa de nobis tenuit in dotem de hæreditate p̃dict' I. quondam viri ſui, Diem clauſit extremum, vt accepimus. Tibi præcipimus, quod omnia terras & teñta, quæ eadem E. ſic tenuit in dotem de hæreditate p̃dicta in balliua tua &c. per ſacramentum &c. diligenter inquiras, quas terras & quæ tenementa eadem E. ſic tenuit in dotem de hæreditate p̃dict̃ in balliua tua, die quo obijt, & quantum inde de nobis tenetur in capite, & quantum de alijs, & per quod ſeruitium &c.

If the Queene haue the wardſhip of a reuerſion, and the tenant for life die, then thus.

Quia A. quaſdam terras & quædam tenementa de hæred' E. conſan- F
guinei & hæred' H. de P. defuncti, qui de rege tenuit in capite, infra ætatem & in cuſtod' regis exiſtent̃ tenuit ad terminum vitæ ſuæ, Diem clauſit extreñ &c. tibi præcipimus &c.

After the death of the tenant by the Curteſie, thus.

Quia A. qui quaſdam terras & quedam teñta de nobis tenuit per le- G
gem Angliæ de hæred' M. vxoris ſuæ dudum defunctæ, Diem clauſit extremum, tibi præcipimus &c.

But if the Queene haue a remainder, and her tenaunt for life dieth, then muſt the Writ be thus.

Quia A. quæ fuit vxor &c. qui quaſdam terras & quædam tenementa H
tenuit ad vitam ſuam & quæ poſt mortem ipſius A. nobis & hæred' nr̃is remaner̃ debent, Diem clauſit extremum &c. tibi præcipimus &c. qui eadem ſic tenuit & quæ poſt mortem &c. remaner̃ debent &c. vel ſic poſt mor̃ prædict' B. ad manus noſtras ratione minoris etatis præfat̃ hæred' deueneř &c.

But if the temporalties of a Biſh. be in the Queenes hands, and one that holdeth of the Biſhopricke by knights ſeruice dieth, the Diem clauſit extremum muſt be thus.

Regina &c. Quia A. de Archiepiſcopatu Cantuar̃ vacant̃ & in manu I
noſtra exiſtent̃ tenuit per ſeruic' militare, Diem clauſit extremum &c. tibi præcipimus &c. de quibus idem A. fuit ſeiſitus in dominico ſuo vt de feodo &c. & tenuit de Archiepiſcopatu præd' ſine dilatione &c.

But

But if the Queenes Idiot die, the writ muſt be ſuch.

K Quia B. de C. nuper fatuus & Idiota, cuius terræ & tenta ratione fatuitatis eiuſdē B. in manu nra exiſtunt, diem &c. vt accepimus, tibi pcipimus qꝺ ꝑ ſacramentꝫ &c. diligenter inquiras, quæ terræ & quæ tenta ratione fatuitatis ꝓd' B. in manū nram capta fuerunt, & adhuc in manu nra exiſtunt, & de quo vel de quibus teneantur, & ꝑ quod ſeruitiū, & quantū terræ illæ valeant &c. & quis propinquior &c. & inquiſitiones &c.

Datur nobis intelligi.

A AND if the Eſcheator receiue a Diem clauſit extremum, and die, Sect. 195.
or be otherwiſe remoued from his office before execution thereof, then iſſueth a writ of Datur nobis intelligi in this forme.

B Regina &c. Cum nuper datur nobis intelligi quod I. de B. qui de nobis tenuit in capite, Diem clauſit extremum, præceperimus dilect' nobis W. de O. nuper Eſchaetori nro in comitatu prædict' quod omnia terras & tenementa &c. *vt ſupra, Mutatis mutandis.* Ac idem W. ab offic' prædict' iam ſit amotus, per quod executio breuis noſtri prædict' fieri non poteſt: Nos ſuper præmiſſis volent' cerciorari: Tibi præcipimus, quod per ſacramentum &c. diligenter ſuper præmiſſ, facias inquiſitionem, & etiam diſtincte &c. T. &c.

Or thus.

C Regina dilecto &c. Cum nuper datur nobis intelligi, quod I. de B. qui de nobis tenuit in capite, Diem clauſit extremum, præceperimus dilecto & fideli noſtro H. de B. nuper Eſchaetori noſtro in eodem Coñ, quod omnes terras &c. ſine dilatione caperet in manum noſtram &c. donec aliud inde præcepiſſemus, & per ſacramentum &c. inquiret, quantum terræ &c. *vt in primo breui.* Ac idem H. antequam prædict' breue fuerat executum, ab officio prædict' fuerat amotus: Nos volentes ſuper præmiſſis plenius cerciorari, tibi præcipimus, quod ſuper articulis prædict' & eorum ſingulis diligenter facias inquiſic', & eam diſtincte & aperte fact' &c. *vt ſupra* &c.

D But if the firſt Eſcheator execute the writ, and die before the inquiſition be returned into the Chauncery, then a Certiorare ſhall be awarded to his Executors, or Adminiſtrators, to certifie the ſame inquiſition, for it is a matter of Record ſo ſoone as the Iurors haue found and ſealed it.

Of a Mandamus.

A IF the Kings tenant by Knights ſeruice die, his heire within age, and Sect. 196.
no writ of Diem clauſit extremum be awarded within a yeare after his death, then ſhall iſſue a Mandamus in this forme.

Rex

Rex dilecto ſibi W. de B. Eſchaetori ſuo in coñ B. Salutem. Præ- B
cipimus tibi quod per ſacramentum proborum & legalium hominum de balliua tua, per quos &c. diligenter inquiras, quas terras & quæ teñta I. de B. tenuit de nobis in capite, tam in dominico quam in ſeruitio in balliua tua die quo obijt, & quãtum de alijs, & per q̃ ſeruitium, & quantum terræ & teñta illa valeant per annum in omnibus exitibus, & quo tempore idem I. obijt, & quis propinquior &c. & cuius ętatis, & quis vel qui terras & teñta illa a tempore mortis præd' occupauit vel occup̃, & exitus & proficua inde præcepit vel præceperunt, quo titulo & qualit̃, & quo modo &c. Et inquiſitionem &c.

Sect. 197. The heire ſhall haue but one writ of Diem clauſit extremum only A
within a yere after his auncеſters death: But where thanceſter died ward to the Queene and within age, for then a new Diem clauſit extremum ſhall be awarded a yeare after the Infants death, and not a Mandamus, *per Regiſt. fol.*

Of Commiſſions after the death of the Queenes tenant.

Sect. 198. Alſo the heire of the Kings tenant by Knights ſeruice in chiefe, A
may ſue forth a ſpeciall Commiſſion, directed to certaine perſons, to inquire what lands &c. (as aboue in a Diem clauſit extremum,) which Commiſſion will be as beneficiall for the heire, as a Diem clauſit extremum: For vpon Inquiſition taken by ſuch a Commiſſion, retornable into the Chauncerie, he may haue Liuerie at his full age. But he ſhall neuer haue Liuerie vpon a generall Commiſſion to inquire of all Wardes &c.

Quæ plura.

Sect. 199. This writ lyeth when any of the Heires lands be omitted in a for- A
mer office or inquiſition, to finde the lands ſo omitted, and is ſuch.

Rex Eſchaetori ſuo &c. ſalutem. Quia datum eſt nobis intelligi B
quod A. defunctus qui de nobis tenuit in capite, tenuit die quo obijt plura terras & teñta in comitat̃ prædict', quam tu in inquiſitione inde poſt mortem p̃dict̃ A. de mandato noſtr̃ capta, & in Cancell' noſtr̃ retornata ſpecificantur. Tibi præcipimus, quod per ſacramentum proborum &c. inquiras quæ plura terras & teñta idem A. tenuit in coñ p̃dict', die quo obijt, & de quo, vel de quibus illa plura terræ & teñta teneantur, & per q̃ ſeruitium, & quantum valeant per annum in omnibus exitibus. Et inquiſitionem &c.

Melius inquirendum.

Sect. 200. This writ lyeth where an office found by vertue of a Diem clauſit ã A
extremum or Commiſſion is vncertaine in the tenure, value, or tenants

tenants eſtate of the lands, or otherwiſe. But if ſuch incertaine office be found before the Eſcheator ratione officij only, then it is void, and no Melius inquirendum ſhall thereupon be awarded. And the Melius inquirendum is ſuch.

B Rex Eſcheatori ſuo &c. Salutem. Cum per quandam inquiſitionem coram A. Eſchaetore noſtro in com̃ prædicto de mandato noſtro captam, & in Cancellaria noſtra retornat̃ ſit compertum, quod N. defunctus tenuit diuerſa terras & ten̄ta cum pertinentijs in comitatu predicto, & quis propinquior hæres eiuſdem N. ſit ex parte patris ſui, iuratores inquiſitionis predicti ignorant: Tamen ex parte R. matris prædicti N. filiæ W. B. eſt eius hæres propinquior, & ætatis viginti & vnius annorum & amplius. Et quia in inquiſitione prædict' quis propinquior hæres ipſius N. exiſtat minime ſpecificatur: tibi præcipimus quod per ſacramentum &c. inquiras, quis propinquior hæres prædicti N. exiſtat, qualiter & quo modo. Et inquiſitionem &c. T. &c.

C And this writ is grauntable vpon ſurmiſe made in the court, that ſuch former Office is ſo incerteine, as is abouesaid.

D *Another Melius inquirend' poſt inquiſitionem imperfectam.*

Rex eſchaetori ſuo &c. Cum per inquiſitionem coram te de mandato noſtro &c. compertum ſit, quod A. tenuit die quo obijt vnum meſſuag' in N. in com̃ prædicto de B. per ſeruitiũ militare, quodque idem A. tenuit die quo obijt vnum toftum cum pertinentijs in N. in comitatu prædicto, de hærede F. L. per ſeruitium militare, & quia in inquiſitione prædicta qualem ſtatum & quale ius idem A. habuit in meſſuagio & tofto prædictis, ſeu de quo vel de quibus eadē meſſuagium & toftum teneantur minime ſpecificatur: nos volentes inde per te plenius Certiorari, tibi præcipimus &c. inquiras, qualem ſtatum, & quale ius idem A. habuit in meſſuagio & tofto præd' die quo obijt, & de quo vel de quibus meſſuagium & toftum prædict' teneantur, & per quod ſeruitium, qualiter & quomodo. Et inquiſitionem &c. T. &c.

A Writ de ætate probanda.

A IT behoueth the heire of the Queenes tenant in chief being in ward, at his full age, and before liuery, to haue a writ to the Eſcheator of the Countie where he was borne, to proue his age. And it ſeemeth, that ſuch writ may as well be made to the Eſcheator of the Countie where his land lyeth, for it may be he was borne where the Kings writ runneth not: as in Ireland, Calice, Berwike, &c. Sect. 201.

B Rex dilecto ſibi I. de B. Eſchaetori ſuo in com̃ B. ſalutem. Quia A. de B. qui M. ſororem, & vnam hær' R. defuncti, qui de dño Edw. nuper Rege Angliæ auo noſtro tenuit in capite duxit in vxorem, dicit præfat̃ M. plenæ ætat̃ eſſe, & petit a nobis terras & tenementa, que ſunt de hæ-

reditate

reditate ipſius M. & quorum vna pars in manu noſtra, & alia pars in cuſtodia I. de H. ex commiſſione dicti aui noſtri vſque ad legitimam ætatem hæred' eiuſdem exiſtunt ſibi reddend', per quod volumus, quod eadem M. quæ apud G. in comit̃ M. nata eſt, & in Eccleſia eiuſdem villæ, baptizat̃ fuit vt dicitur, ætatem ſuam probet coram te. Tibi præcipimus, quod ad certum diem & locum, quos ad hoc prouideris, probationem illam per ſacrament̃, tam milit̃ quam probor̃ & legalium hominum de balliua tua, per quos probatio illa capi, & veritas ætatis p̃d' melius ſciri poterit & inquiri, capias, & ſc.fa. præf. I. quod tunc ſit ibi ad oſtendend' ſi quid pro ſe habeat vel dicere ſciat quare præd' H. & p̃d' M. vt illi qui plenæ ætatis eſt, ſi plene ætatis ſit, terras & tenementa præd' reddere non debeamus, & probationem illam ſic captam nobis ſub ſigillo tuo, & ſigillis eorum per quos capta fuerit, ſine dilatione mittas, & hoc breue. Teſte &c.

Another forme of the writ De Aetate probanda.

REx &c. Quia M. de F. filius & hæres I. defuncti, qui de nobis tenuit in capite, dicit ſe plenæ ætatis eſſe, & petit a nobis terras & tenta quæ ſunt de hæreditat̃ ſua & in cuſtodia noſtra, vſque ad legitimam ætatem hered' præd' ſibi reddi, per quod volumus quod &c. vſque ibi melius ſciri poterit & inquiri capias, & tunc ſic. Et probationem illam &c. *vt ſupra.* C

But if the King commit the Wardſhip, the Aetate probanda muſt mention the ſame.

And if the Wardſhip by reaſon of the temporalities of a Biſhoprick be in the Queenes hands, the writ de Aetate probanda muſt mention the ſame: And yet that is no Court in capite.

Commiſſion pro ætate probanda.

Regina dilectis &c. Sciatis quod aſſignauimus vos ad inquirend' per ſacramentum tam Militum quam aliorum proborum & legalium hominum de viſinet̃ de N. in com̃ L. ſi I. filius & hęres B. apud N. natus, & in eccleſia eiuſdem villæ baptizatus fuit, & quod ratione minoris ætatis ſuæ in cuſtodia nr̃a exiſtit, plenę ætatis ſit, vt dicit, necne. Et ideo vobis mandauimus, quod ad certos diem & locum, quos ad hoc prouideritis, inquiſitionem illam faciatis, & illam diſtincte & aperte factam nobis in Cancellar̃ &c. ſine dilatione mittatis, & hoc breue. Mandauimus enim Vicec' noſtro Lincolñ, quod ad diem & locum, quos ei ſcire faciet̃ venire faciat &c. In cuius rei teſtimonium &c. D

And vpon this Commiſſion a writ ſhall be ſent to the Shirife to returne a panel before the Commiſſioners at a certaine day before them limitted vnto him by their Precept. Thus: E

A Venire facias to the Shirife vpon the ſame Commiſſion.

A REgina Vicecomit &c. Præcipimus tibi, quod ſummoñ per bonos ſummonit̃ xij. tam Milites, quam alios probos & legales homines de viſinet̃ de N. quod ſint coram dilectis & fidelibus noſtris A. B. & C. & hijs quos ſibi aſſociauerimus, ad certos diem & locum, quos ijdem A.B. & C. tibi ſcire facient, parati ſacrañto recognoſcere, ſi F. filius & hæres C. apud N. natus, & in eccleſia eiuſdem villæ bæptiz. fuit, qui ratione minoris ætatis ſuæ in cuſtodia noſtra exiſtit, plenæ ætatis ſit, vt dicit necne, & interim ad p̃d' eccleſiam & villam accedant, vt veritatem ætatis p̃d', diligenter inquirant, & nomina eorum imbreuiari faciant. Et ſci.fac. E. & S. cuſtodibus terr̃ præd' her̃, ꝙ tunc ſint ibi ad audiend' illam recogñ, & ad oſtend' ſi quid obſtare debeat, quare præd' I. terras & tenementa ſua habere non debeat, & habeas ibi nomina illorum duodecim & hoc breue, Teſte &c. Sect. 202.

Whereby appeareth that the committee of the King ſhall be warned to be there. But if the King haue the Ward in his owne hands, then this clauſe Et ſcire facias E. & S. cuſtodibus &c. ſhall be omitted in the writ.

Of Homage done or reſpited.

A WHen a writ de Aetate probanda is executed and returned, and that the heire hath proued his age, then he muſt do homage, or agree with the Queene to reſpect the ſame, and pay reliefe before liuery ſued: and a writ teſtifying homage to be done, when the heire is at full age at the death of his auncellors. Sect. 203.

B Regina Eſchaetor̃ &c. Sciatis quod cepimus homagium I. de H. filij & hered' B. de H. defuncti, de omnibus terris & tenemñtis que idem B. pater ſuus tenuit de nobis in capite die quo obijt, & ei terras & tenta illa reddidimus: Et ideo tibi præcipimus, quod accepta ſecuritat̃ a præf. I. de rationabili releuio ſuo nobis ſoluend', ad Scaccarium nr̃um, eid' I. de omnibus terris & tenemñtis præd', & de quibus præf. B. pater ſuus fuit ſeiſitus in dñico ſuo vt de feodo in balliua tua, die quo obijt, queque occaſione mortis eiuſd' B. capt̃ ſunt in manum nr̃am, plenam ſeiſinam habere facias: Saluo iure cuiuſlibet, & ſalua Matildæ que fuit vxor B. rationabili dote ſua, ipſam de terris & tenementis præd', ſecundum legem & conſuetudinem regni noſtri Angliæ contingent̃, ei per nos aſſignand'. Teſte meipſa. &c.

But if the heire were in ward, and hath proued his age, the writ of the homage receiued muſt be thus.

C Regina &c. Quia N. de E. fil' & hæres R. de C. defuncti, qui de domino Ed. nuper Rege Angl. auo noſtro tenuit in capite, ætatem ſuã corã te ſuffi-

re ſufficienter probauit, ſicut per probationem de mandato noſtro captam, & in Cancellar̃ noſtram retornat̃, eſt compertum, ceperimus homagium ipſius N. de omnibus terris & tenen̄tis quæ idem R. pater ſuus tenuit de dicto auo noſtro in capite, die quo obijt, & ei terras & tenementa illa reddidimus. Ideo tibi p̄cipimus, quod eidem N. de omnibus terris & tenementis prædict' de quibus prædict' R. pater ſuus fuit ſeiſitus in dominico ſuo vt de feodo in balliua tua die quo obijt, & per mortem eiuſdem R. in manum dicti aui noſtri capta fuer̃, & in manu noſtr̃ ſic capta exiſtunt, plenam ſeiſinam habere facias, ſaluo iure cuiuſlibet. Teſte &c.

Diem clauſit extremum poſt mortem felonis.

Sect. 204. When the King hath the lands of the Wife, by reaſon that her Huſband was outlawed for felonie, then after the Huſbands death the Diem clauſit extremum is ſuch.

Quia A. cuius terræ & tenen̄ta, que ipſe tenuit de iure & hæreditate N. nuper vxoris ſuæ, adhuc ſuperſtitit, ad manus domini E. nuper Regis Angl' 4. poſt conqueſtum, occaſione cuiuſdam vtlagariæ in ipſum A. pro quadam felonia, vnde indictatus fuit, vt dicit̃, promulg', deuener̃ in manu domini H. &c. patris noſtri extiterunt, & ſic in manu noſtra exiſtunt, diem clauſit extremum &c. Tibi præcipimus quod per ſacramẽtum &c. inquiras que ten̄ta, ratione felonie præd', ad manus ipſorum nuper regis deuener̃, & adhuc in manu noſtra ſic exiſtunt, & de quo vel de quibus teneantur, & per quod ſeruitium, & qualiter, & quo modo, & quantum terræ & tenen̄ta illa valeant per annum in omnibus exitibus iuxta verum valorem eorundem, & quis vel qui terras & tenementa illa a tempore perpetrationis felonie præd' occupauit, vel occupauerunt, & exitus & proficua inde percepit vel perceperunt, quo titulo, qualiter, & quomodo, & inquiſit̃ &c. A

Nihil ſimul & natum & perfectum.

W. WEST.

FINIS.

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